The American
Labor Legislation Review

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"I AM firmly of the opinion that if, at the beginning of this government, the Senate and the House had commenced to transact public business behind closed doors, we would not be here today, at least representing the same government that we are now trying our best to represent. I do not believe that a democracy can permanently stand when its public business is transacted in secret."—*Senator George W. Norris of Nebraska.*

Lobbying

"IT is an insult to the intelligence of the American public," said Senator Borah in referring to the testimony of shipbuilders that they paid Shearer $25,000 merely to be an "observer" for them at Geneva during the naval limitation conference.

The greatest menace to public interest in the whole unsavory affair was the unwillingness of Shearer and his employers to have the public know the source of the influence. Under the circumstances, when called upon to make public confession of their sinister operations these "captains of industry" preferred unanimously to assume the role of having been merely stupid.

"The essential evil of propaganda," writes that past-master Ivy Lee in his book on Publicity, **"is failure to disclose the source of information."** This is illustrated whenever the private casualty insurance companies, in their fight against public-managed compensation insurance, distribute a propaganda pamphlet without indicating its real source.

—Washington *News*.

In matters of great public concern it is true that today the power of the individual is largely lost and it is increasingly necessary to spend considerable sums to place any movement before the public. Large aggregations of capital can spend freely. Against this powerfully organized commercial interest, the public interest needs protection. President Wilson recognized this when he issued his statement in 1913 commenting upon an "insidious" commercial lobby spending "money without limit" at Washington. He then wrote: "It is of serious interest to the country that the people at large should have no lobby and be voiceless

in these matters, while great bodies of astute men seek to create an artificial opinion and to overcome the interests of the public for their private profit. It is thoroughly worth the while of the people of this country to take knowledge of this matter. Only public opinion can check and defeat it."

It is significant that leaders in Congress while preparing to expose the sinister influences operating through corrupt commercial lobbies in Washington, fully recognize the advantage to the public interest of qualified legislative representation through voluntary Associations. "We recognize, of course," said Senator Norris, Chairman of the Judiciary Committee, "that many organizations and people have legitimate interests in legislation. But we recognize also that there are insidious lobbies that work darkly." And said Senator Caraway, author of pending legislation calling for much-needed regulation of lobbying, "I am not unmindful of the fact that there are a number of men and women representing Associations who are **very useful public servants."**

Members of Congress often express deep appreciation of the services rendered by those who, because of long study, have qualified themselves to be of assistance—by fact-finding, by drafting legislation, and by informing the public—and who speak with special knowledge untainted by special interest. This is doubtless the experience of many social welfare organizations that occasionally send representatives to Washington to argue for or against pending measures. They, like the commercial groups, deserve toleration and encouragement only to the extent that they deal openly, without corruption, and with a decent regard for the public welfare.

JOHN B. ANDREWS, *Secretary,*

American Association for Labor Legislation.

Legislative Notes

THE twenty-third **Annual Meeting** of the American Association for Labor Legislation will be held with related organizations on December 27-28, at New Orleans. There will be several joint sessions with the American Political Science Association and the Association of American Law Schools.

◇

THE initiative petition filed by the Massachusetts Federation of Labor calling for a **state workmen's compensation fund** has again been disapproved by the Attorney General. The excuse given this time is that the text of the proposed law was not incorporated in the petition, as required by law, but merely accompanied it!

◇

"SENATOR SMOOT went camping with the President and explained the sliding sugar scale. If we were going fishing the first thing we would think of leaving at home would be Senator Smoot."—*Howard Brubaker, in The New Yorker.*

◇

AT the end of October **Joseph P. Chamberlain** of the General Advisory Council of the American Association for Labor Legislation will attend the Institute of Pacific Relations to be held in Kyoto, Japan.

◇

THE Order of Railway Telegraphers has launched a campaign **against the seven-day week.**

◇

"THE new Secretary of Commerce has just issued an announcement stating that business is excellent. Which indicates that he is fully conversant with duties of a Secretary of Commerce."—San Diego *Union.*

◇

Charles Horton Cooley, for thirty-seven years a member of the University of Michigan faculty and a member of the American Association for Labor Legislation, died last spring. Mr. Cooley was influential in placing the study of social problems upon a scientific basis.

"BUSINESS may rave until it is hoarse about governmental interference, but the undisputable truth is that "governmental interference" has almost always, if not always, sprung from widespread public dissatisfaction over something business was guilty of doing or not doing."—*B. C. Forbes, Chicago Herald & Examiner.*

◇

"WE need men who can be stirred by an annual report on **industrial accidents** or deaths from tuberculosis as they might be stirred by a brutal murder by gangsters on the next street corner."—*Glenn Frank, President, University of Wisconsin.*

◇

JUSTICE SURVEYOR of the Montreal Superior Court has taken the position that **appeal must be permitted** from the decision of the compensation commission administering the new Quebec Workmen's Compensation Act. But under the terms of the law findings of the commission are final and all right of appeal is expressly denied.

◇

THE New York State Medical Society, in convention at Utica last June, after a spirited debate adopted a resolution in favor of an amendment to the New York Workmen's Compensation Act which would allow an injured workman to **select his own physician.** The resolution was referred to the legislative committee and an amendment will probably be introduced at the next session of the legislature.

◇

"RAILROAD labor still holds to the **discredited damage suit system.** Seamen and railroad employees in interstate commerce are the two large classes of workers remaining without the protection of workmen's compensation."—*Railway Clerk.*

◇

IN an editorial under the caption "Advertising We Don't Want," the Charleston (S. C.) *News and Courier* declares that a determined effort will be made **for adoption of a workmen's compensation law** at the next session of the legislature. "Meantime," continues the *News,* "South Carolina is receiving advertising of a quality it does not want, advertising of a quality that is hurtful. South Carolina needs to assure industry that it will be fairly and justly treated in all circumstances."

◇

THE status of **minors illegally employed** with reference to the workmen's compensation act in Massachusetts—long a moot question—has been determined in a decision recently handed down by the Supreme Court in the case of Pierce v. National Fireworks Co. "As respects the rights of minors under the act," said the court, "we do not perceive any reason to differentiate between those who are lawfully employed and those employed as a consequence of the employer's illegal conduct."

COMPLETE figures for 1928 will probably show that 23,000 or more **preventable fatalities** occurred in industrial accidents, stated James J. Davis, Secretary of Labor, last July. "It is still a blemish upon our civilization," charged Secretary Davis, "that for every major injury, 29 minor injuries and 300 inconsequential injuries result from the same common cause—a grand total of 330 accidents, which might have been prevented."

◇

AMONG visitors at the national headquarters of the American Association for Labor Legislation during the past quarter were **Dr. Luis Jordana de Pozas,** Professor of Administrative Law at the University of Valencia and of the National Insurance Institute at Madrid, and **E. J. Riches,** New Zealand staff member of the official International Labor Office at Geneva.

◇

"WHEN the supply of its product runs ahead of the demand a corporation establishes the **five-day week** on account of its keen interest in its employees' welfare."—*Ohio State Journal.*

◇

A California garage operator, Frank Francis of Martinez, because he **failed to provide workmen's compensation insurance** for his employees was sent to jail for 10 days.

◇

FOLLOWING investigation which showed that in factory and mercantile establishments alone, 11,000 employers in New York state had **failed to insure their employees under the workmen's compensation law,** State Commissioner of Labor Perkins planned a statewide drive to compel such employers to comply with the law. Within a week 300 cases of violations in and around New York City were turned over to the Attorney-General for prosecution and two employers found guilty received jail sentences. Within a month more than 4,000 employers throughout the state had been summoned to appear before the Labor Department for failing to insure.

◇

A drive against Pennsylvania employers who had **failed to take out compensation insurance** for protection of their employees was launched by the state Department of Labor last June following a check up which revealed that a large number of employers were thus violating the law.

◇

THE North Dakota Supreme Court has held that **employers who fail to pay their insurance premiums** to the state workmen's compensation bureau are nevertheless liable for damages in the event that an employee is injured or killed, without regard to any question of fault.

THE Montreal Trade and Labor Council has adopted a strong resolution in favor of amending the Quebec workmen's compensation act to provide for an **exclusive state fund.**

◇

"RELIGION cannot accept without protest a social or industrial order in which men wallow in sudden wealth which they have not created while their fellows by the million face want."—*Chicago (Ill.) Christian Century.*

◇

MEMBERSHIP in workers' organizations in sixty-two countries numbered 46,187,060 on January 1, 1928, as compared with 36,062,711 in 1925, an increase of about 28 per cent, according to figures made public by the United States Bureau of Labor Statistics. In 1928, there were 4,241,542 organized workers in the United States as compared with 3,606,738 in 1925.

◇

A recent survey of the work of the Pennsylvania bureau of **rehabilitation** shows that out of 1,206 disabled persons placed in suitable employment by the bureau, 975 or approximately 80 per cent of the total number were continuing to work. Cases range from heads of families in the higher age groups with limited basic education, placed in light laboring tasks, to younger men who with the aid of the bureau have qualified for professional activity.

◇

GOVERNOR YOUNG of California vetoed the amendment to the **workmen's compensation** act which would have permitted private insurance carriers to compete with the state fund for the compensation business of cities and counties.

◇

IN the half year ending June 30, the **Ontario Workmen's Compensation** Board awarded benefits amounting to nearly $4,000,000 of which more than $680,000 was for medical aid. Awards for the half year were nearly half a million dollars higher than for the same period in 1928. Although the number of fatal cases was lower, an increase of over one thousand accidents per month was reported.

◇

NEED of further protection for workers against **occupational diseases** was emphasized by Commissioner of Labor Perkins in announcing that the New York legislature will again be asked to extend the present inadequate protection afforded by the workmen's compensation law. "It was unfortunate," declared Miss Perkins, "that the legislature did not enact into law during the past session some constructive program for this great industrial problem."

A long-time member of the American Association for Labor Legislation, **Louis Marshall,** of New York City, died in September.

◇

During the year ending June 30, 1929, the New York Department of Labor made the largest number (100,462) of closing awards for **compensable accidents** made in any one year since the workmen's compensation law has been in operation. Commissioner Perkins points out, however, that this does not necessarily mean that there has been a great increase in accidents because many of the cases closed arose out of accidents occurring one or more years earlier. It does show that a greater volume of work has been handled by the department.

◇

As a result of the Cleveland hospital disaster forty clinic employees and eighty patients were killed. Workmen's compensation **death benefits** will amount to about $300,000, according to Will T. Blake, Ohio Industrial Relations Director. The loss of life, stated National Safety Council engineers, was a direct result of the lack of three major safeguards, any one of which would probably have averted the disaster: the film storage room should have been on the roof and should have been provided with automatic sprinklers, and non-inflammable film should have been used.

◇

"Thousands of American industries now keep in operation **seven days a week** with a shifting labor force and the stagger system of leisure; for example, railroads, steamship lines, motion-picture theaters, newspapers, electric and gas companies, police, fire, and water systems, gasoline and repair stations, dairies, hotels, restaurants, and drug stores."—*The Nation.*

◇

"The **Michigan legislature** has started an investigation to learn if the co-eds smoke, after which they will try to find out if there are any automobiles in Detroit."—Dayton (Ohio) *News.*

◇

The brief life of **minimum-wage laws** has been portrayed in a recent publication of the federal Women's Bureau. (The Development of Minimum-Wage Laws in the United States, 1912 to 1927, Bulletin No. 61.) After the enactment of the first law by Massachusetts, in 1912, sixteen states and the District of Columbia and Porto Rico had, by 1923, followed suit. Four years later, only in California and Massachusetts was this legislation functioning with any degree of vitality. In the other fifteen states the laws as they applied to **women** had been nullified or rendered inactive by court decision.

"PRESIDENT HOOVER believes in developing a good, strong **employment service** that we may not only be able to get men and jobs together, but which will keep the statistics up to date," said Secretary of Labor Davis in an address broadcast from Washington over a national hookup.

◇

INCREASED **unemployment** during 1928 resulted in the expenditure by the New York Association for Improving the Condition of the Poor of $574,000 for relief, as over $508,000 in 1927 and $450,000 in the unemployment crisis of 1921, according to the organization's eighty-fifth annual report. The amount spent for allowances to elderly men and women also jumped during 1928 to $67,562, from the $43,046 spent in 1927. It is estimated that over $80,000 will be required for **old age allowances** in 1929.

◇

AN effort to get a view of the **individual and social aspects of unemployment**—its effect upon character, career, family income and the family life of a neighborhood—is being made by the National Federation of Settlements. An outline of questions for discussion by neighborhood groups has been prepared and the cooperation of settlement houses throughout the country has been secured. Groups will be asked what it is like to be unemployed, what causes unemployment, what should be done about it and what they can do about it. This program, it is thought, by centering attention on those most vitally concerned, will bring about a better understanding of the problem and will focus efforts upon measures to mitigate and to prevent recurrence of unemployment.

◇

BY means of a **new iron process** used by the A. M. Byers Company in Warren, Ohio, 150 men produce 4,500 tons of wrought-iron a month. Under the old system 400 men produced 4,000 tons.

◇

THE Consumer's League of Cincinnati has suggested that the law regulating **private employment agencies** be strengthened because "it is now impossible to regulate by law the size of fees charged by private employment agencies for permanent employment. It is therefore important that in addition to building up a highly efficient public employment office to compete with such agencies, there be added to the Ohio law a section regulating the number of private agencies in a community, as one means of reducing the economic waste often resulting from their activities."

◇

WHEN Senator Couzens of Michigan, as chairman of the United States Senate Committee on Education and Labor, submitted a report

(No. 2072) on March 1, pursuant to Senate Resolution 219, which provided for the **study of unemployment** and its prevention, he asked that the report and evidence be printed as a public document and then added: "There is no legislation required and no bill."

◇

Recognized national or local **building safety codes** should be written into all labor agreements and building contracts, Ethelbert Stewart, United States Commissioner of Labor Statistics, has urged. In the absence of a national or local safety code, a safety code agreed upon between employer and employee should be developed and made a part of the contract. If, as a further step, says Commissioner Stewart, "insurance companies could be induced to write the safety code into the policy issued to every contractor, with the understanding that any flagrant violations or deliberate ignoring of that code would forfeit the policy, much of the convenient ignorance as to safety methods and safety practices would soon disappear." If reasonable safety codes were made an essence of every building contract, "some of us might live to see industrial accidents practically eliminated."

◇

The United States Department of Labor undertook July 1 to maintain a **labor turnover index** along the lines previously followed by the Metropolitan Life Insurance Company.

◇

The **unemployment insurance** system established in the Port Arthur, Ontario, paper industry last October has been extended to the Consolidated Water Power and Paper Company, in Wisconsin Rapids and Biron, Wisconsin, the largest of the Wisconsin paper companies. During periods of unemployment, benefits varying from $30 a month for common laborers to $75 a month for skilled workers, are guaranteed each employee who has been with the firm for over a year. In Port Arthur, where the plan was tested, it has been administered by union control. The Biron branch has been practically idle since February, and the men are drawing their checks every two weeks. The system is considered a good business venture, as workmen will no longer be forced to carry credit accounts during periods of unemployment and morale will be greatly improved. "We don't give turkeys or send our men on picnics," said C. J. Jackson, general manager. "We don't pester their homes with visiting nurses and welfare workers. Give the workers decent wages and reasonable assurance of steady incomes and they'll find their own wholesome pleasures and provide for their own families."

◇

While legislation to provide a state compensation fund was pending recently in the Wisconsin legislature, the capitol corridors were "overrun with

lobbyists for the private insurance companies who are fighting to continue their exploitation of killed and injured workers." The author of the bill made public a letter written to policy holders by the Hardware Mutual Casualty Company of Stevens Point, Wisconsin. Enclosed in the letter was 50 cents in a coin mailing card with the request that "You telegraph your assemblyman to vote against monopolistic workmen's compensation state insurance fund bill."

◇

At the seventeenth annual convention of the **International Association of Public Employment Services** of the United States and Canada, at Philadelphia in late September, there were representatives from twenty-three states and seven provinces. Outstanding among the topics discussed were (1) the readjustment of employees displaced by labor saving machinery and (2) the urgent need of a more definite national clearing house to aid in the distribution of unemployed workers to places where their services are in demand. The American Association for Labor Legislation was represented by its secretary who led the discussion on legislation to regulate the abuses practiced by fee-charging employment agencies.

◇

The workmen's compensation law in North Carolina has uncovered to the public a serious situation in the mines of the Carolina Coal and By-Products Company. The company has not been able to secure compensation insurance for its employees because **hazards of coal mining** there are so great no casualty insurance company is willing to take the risk.

◇

The American Federation of Labor **executive council** reports a membership gain of 37,482 over the preceding year. It has received general and widespread reports of unemployment; it recommends a two per cent quota for Mexico to limit immigration to 1,557 a year; and suggests the "authorization of an effective Federal employment service."

◇

"Liberalism is only a finer conservatism."—*Editor, New York Telegram.*

Occupational Disease Compensation[1]

Experience, Logic and Justice Demand "Equal Protection of the Laws"

By John B. Andrews

DISABILITY due to occupational disease is becoming serious. And the victims are treated unjustly.

There are many poisonous substances in industrial use which are an ever-present menace to the health and lives of wage-earners. The painter's lead colic; the hatter's "shakes"; the compressed air workers' "bends", are but illustrations of the better known effects of occupational disease.

A worker incapacitated by occupational disease is just as much in need of compensation as the man who suffers an accident. All of those injured in industry are entitled to protection, whether the incapacity follows an accident or results from a disease peculiar to the employment. But the vast majority of workmen's compensation laws in America do not provide compensation for disability or death due to occupational disease.

Good and Bad Methods

In the states which do make such provision, two methods are followed. The earliest plan left the word "accidental" out of compensation laws and provided compensation for all "personal injuries" arising out of and in the course of employment, thus including compensation of all occupational diseases. This is **the "all-inclusive" method** and is the only means of providing adequate occupational disease compensation under these laws. Ten American laws, including the three federal acts approved by Congress, have already adopted this plan of broad coverage. Experience has demonstrated its effectiveness and expediency.

The "specific schedule" method—the now discredited scheme—covers only a limited list of occupational diseases. If a worker contracts an occupational disease which does not happen to be enumerated in the law, he is not entitled to compensation. This is obviously unfair. In five laws where this system is unfortunately

[1]Paper presented at convention American Public Health Association, 1929.

followed, experience has demonstrated it to be as inadequate as it is unjust.

Authorities Urge Complete Protection

The well-known authority, Dr. Emery R. Hayhurst of the Ohio Department of Health, in a report published recently by the U. S. Bureau of Labor Statistics recommending that *all* occupational diseases should be compensated, even raises the question of the constitutionality of legislation which permits compensation for carbon bisulphide poisoning and not for hydrogen sulphide poisoning. Dr. Carey McCord, medical director of the Cincinnati Industrial Health Conservancy Laboratories, following a careful investigation of the operation of the existing limited schedule system in Ohio, recommended to the State Medical Association that the Ohio workmen's compensation law be amended to provide compensation for all proven cases of occupational disease. Commissioner Will J. French, Director of the California Department of Industrial Relations, in denouncing the limited listing of occupational diseases in a compensation law declares that "this is just as obsolete a way of doing business for social needs as it would be to differentiate between accidents under a compensation system."

The Association of Accident Boards and Commissions has adopted a formal resolution recommending complete compensation coverage for all occupational diseases. The Commissioners of Labor and the Council of the Industrial Hygiene Section of the American Public Health Association, have taken a similar position.

Advocates of the limited-list method admit that those who are incapacitated by certain well-known occupational disease hazards should be compensated. But they want to discriminate against the helpless victims who, without knowing the hazards of their employment, are struck down by occupational disease and death! The house painter knew the danger of lead colic. The inexperienced girl taught to point her brush with her lips as she painted luminous dials in a New Jersey watch factory knew not the lurking danger as death from the so-called "radium poisoning" crept upon her. The first was compensated in New Jersey—the other was not.

Disgraceful "Jokers"

It was these advocates of discrimination, moreover, who, when "putting over" the limited list method in New York, made promi-

nent in their schedule for that state African box-wood poisoning and certain obscure miners' diseases! They also inserted derivitives of benzine and left the dangerous benzol out! Meanwhile, year after year, efforts to add "silicosis" to the list have met with failure.

Commissioner Wilcox, the chairman of the Wisconsin Industrial Commission, out of his years of practical experience in the administration of a compensation law that covers all occupational diseases, says that he has never been able to discover why anyone opposes such inclusive coverage unless it is that they don't want the victims of occupational diseases compensated. "The practical results of the operation of a schedule," he points out, "are not less discriminatory than would be a provision under workmen's compensation for scaffold accidents which paid benefits only for those injuries in which employees who fall light upon their feet and not for those cases where they land on their head."

Additional Cost is Small

The cost of workmen's compensation would be increased by only about one per cent if all the victims of occupational diseases were protected on the widest possible basis. In fact, the casualty insurance rate-makers themselves wrote us that they would not recommend more than one per cent increase in rates in case a state having a compensation law without covering occupational diseases should by amendment include them all. In those states which already cover some of the occupational diseases, the additional cost of extending coverage to all would, of course, be only a part of the above indicated additional cost, which relates to the total cost of all occupational diseases.

Experience indicates that occupational disease cases represent but a small percentage of the total number of cases compensated under the law. Thus for the year 1927 in Wisconsin, where the all-inclusive method has been in successful operation for years, less than two per cent of the 20,473 compensable injuries and about two per cent of the cost ($73,743 out of $3,662,406) were due to occupational disease. In California during 1927, 1,339 injuries were classified as occupational diseases, or one-half of one per cent of the number of reported industrial accidents (268,600).

With the aggregate cost of the all-inclusive method thus proved to be relatively small—despite the earlier claims of opponents that

it would cost millions—expediency as well as justice calls for this plan of broad coverage.

Commissioner Frances Perkins has announced that the New York Department, after several years' experience with the limited, inadequate schedule method, will ask the New York legislature to extend the law to protect all victims of occupational disease. America's leading authority on industrial poisons, Dr. Alice Hamilton, although once receptive to the schedule plan, has recently branded it as a mistake and a fraud. She now heartily advocates all-inclusive protection.

An Aid to Prevention

Compensation for all occupational diseases is the better plan for another important reason. It offers—in the absence of comprehensive workmen's health insurance laws—the most effective aid to prevention of industrial sickness. It provides the means by which the constantly increasing number of disease danger-points in modern industry may be uncovered. And it then provides the incentive for prevention. Because the coverage of the "all-inclusive" type of law is broad, cases due to new diseases can be met promptly, the victims compensated, and all the preventive value of workmen's compensation brought to bear immediately to assist in safety work.

Until all compensation laws protect all victims of occupational disease a fundamental purpose of workmen's compensation will remain unfulfilled. Adequate protection, including prevention, calls for universal adoption of the all-inclusive plan.

It is significant that in the two leading states that have experimented with the limited list method—New York and Ohio—their state officials are now urging the extension of their compensation laws to cover all occupational diseases. It is likewise notable that in the two states having the most complete records of practical experience with the all-inclusive coverage—California and Wisconsin—their responsible administrative officials declare they have met with no insurmountable obstacles in the administration of these laws.

Well-informed public health officials—interested in the promotion of health everywhere—should join with compensation administrators, legislators, and other public-spirited citizens in bringing about the prompt compensation of all victims of occupational disease.

Workmen's Compensation—An Aid to Sound Industrial Development

By Senator R. M. Jefferies

(Editor's Note: Senator Jefferies of South Carolina explains why he favors workmen's compensation. He will introduce a bill at the next session of the state legislature which convenes in January, 1930.)

THERE can be no argument against a fair and equitable workmen's compensation law.

Experience has taught that those who labor can not depend in cases of accident upon damage suits for complete relief. Although as a lawyer I have often brought personal injury damage suits, I am convinced that labor will not be protected properly from accidents, which are so frequent in industry, until a proper workmen's compensation law is put in force.

No verdict of a jury should be needed to protect the dependents of those who are injured in the course of their employment. Their future should be guarded by the state with fair laws.

Too often worthy cases of personal injury and even death are defeated by the too common application of such legal doctrines as contributory negligence, fellow servant and assumption of risk. Human life is too valuable to the family and state to be measured by whims of juries, who are often baffled by time-worn legal doctrines which delay needed relief and do not compensate.

Equally important is it to industry to be able to charge unavoidable—we might say necessary—accidents of manufacturing, to the costs of production. With a proper law of compensation, industry by insurance can tell in advance what burdens it will have to bear from such sources, and will be in position to calculate exactly this factor in the cost of conducting business. Such a law, fair to industry and protecting labor, is now a prerequisite to our continued industrial development as a state.

Therefore, the conclusion is inevitable that with labor and industry both to be beneficiaries from such legislation, the General Assembly should not longer postpone the enactment of a compensation law. This legislation, now in operation in all but four of our states, will protect the home of the laborer, as well as promote the interests of industry, by relieving both from the expenses of litiga-

tion and the uncertainty of verdicts as arbitraments for human injury.

A fair and practical workmen's compensation law should be enacted in South Carolina.

Compensation Progress in North Carolina

THE North Carolina Workmen's Compensation Act which was passed at the 1929 session of the General Assembly[1] went into full effect on July 1. Employees and their employers in this state—the forty-fourth to adopt the compensation principle—are now protected by a modern law providing for the sure and prompt payment of reasonably adequate compensation for occupational injury or death. Workers and their employers in the four laggard states of Arkansas, Florida, Mississippi and South Carolina are still obliged to resort to the uncertain gamble of time-consuming litigation.

The Industrial Commission[2] created to administer the new act began its important preliminary work months ago. Following personal observation of the administrative methods employed in adjoining states, details of organization and procedure were speedily developed. Every effort was made to inform all employers and their employees of their rights and duties under the law. Early in June a conference was arranged between officials of the State Medical Society and the commission for the purpose of working out a schedule of medical fees.

It was officially estimated that more than 800,000 employees in North Carolina would be affected by the new act and that an average of from 70,000 to 75,000 compensation cases would be passed upon annually. Already claims for compensation are pouring into the state office at the rate of more than 200 per day. By July 1, 14,000 of the 17,000 employers covered had qualified under the act. About forty of the larger companies in addition to the state and several counties exercised the option of self-insuring. Fewer than 100 employers, and only 60 employees, had at that time elected not to come under the law.

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[1] See "North Carolina Adopts Workmen's Compensation!" *American Labor Legislation Review*, Vol. XIX, No. 1, March, 1929, pp. 13-14.

[2] See "North Carolina Industrial Commission," *American Labor Legislation Review*, Vol. XIX, No. 2, June, 1929, pp. 162-163.

The workmen's compensation act administration involves many new and complicated problems, and the commission, efficient as it has thus far shown itself to be, cannot effectively perform its duties without the full and whole-hearted cooperation of employers, employees and insurance carriers. With the great benefits that will result to those directly affected as well as to the community as a whole, this cooperation should be fully and cheerfully given. The American Association for Labor Legislation will follow closely the operation of this important legislation and future progress will be reported in this REVIEW.

Aspirations of Reckless Younger Generation

"'Aviaytor nuthin'!' I sez to him. 'A steel worker yer old man is, an' a steel worker you'll be! You stick to a job where you got somep'n solid under yer feet!'"

—Courtesy of Colliers

The erection of iron and steel structures is one of the most hazardous of occupations. It costs New York employers $24.93 per $100 of payroll to insure their employees engaged in this work.

Florida Needs Workmen's Compensation

By Senator Pat Whitaker

(Editor's Note: Among the leading exponents of the proposed Florida Workmen's Compensation Act is Senator Pat Whitaker, of Tampa. He collaborated with Senator Alfred H. Wagg, sponsor of the measure, in directing the fight in the Senate for its adoption.)

FLORIDA is one of only four states which have thus far failed to adopt workmen's compensation. More than fifteen years' experience in this country has demonstrated these laws to be beneficial alike to employers, employees and the whole community.

The present employers' liability system now in effect in Florida leaves employers at the mercy of wasteful and sometimes excessively costly damage suits. Workers are compelled to resort to a court of law in time-consuming litigation when need for relief is immediate and urgent.

I plead the cause of labor from the standpoint of one who has labored. Moreover, my law practice has shown me the wrongs suffered by the workmen of Florida who have been denied the protection afforded by accident compensation.

When a worker is injured the family income is ended. The average man has seldom sufficient savings to last for more than a week or two and when this small sum is exhausted the family is dependent upon friends and relatives for actual support. Under such conditions proper medical care cannot be commanded and recovery is delayed and even rendered impossible through lack of adequate attention. The children are put to work without sufficient training and the wife is supported by charity or else obliged to go to work herself.

Not a month passes without some poor devil coming to my office and asking for my assistance in getting his just due from injuries suffered in the employ of the corporations. They come on crutches, facing bleak futures, without funds to buy the necessities of life for their wives and little ones. Under the present laws these maimed employees are denied relief unless they can establish the fact that the injuries were suffered through the negligence of their employers. In a substantial number of cases, when recovery is possible, damages granted are negligible. Occasionally we hear

of large awards being made after a case has dragged through the courts for years, during which time the family has been left destitute. But, even in a successful suit, court costs and attorney's fees sometimes ranging as high as 50 per cent of the sum granted consume a substantial part of the damages awarded.

The time has come to abolish the outgrown system which makes these inequities possible. A fair and just workmen's compensation law is one of Florida's greatest needs.

Florida Fails

THE 1929 Florida legislature had an exceptional opportunity to adopt a workmen's compensation act, an urgent need in this fast-developing state. It failed to do so.

For the past two years the American Association for Labor Legislation has renewed its efforts to stimulate public interest in this important subject in Florida with encouraging results.[1] Following conferences of representative groups directly affected, agreement was reached on a specific proposal which was drafted in cooperation with the Association for Labor Legislation. This modest measure, ready for introduction before the legislature convened in early April, provided for compensation based on 50 per cent of wages, weekly payments not to exceed $18, with a limit of $5,000 on total amount.

On April 8 the bill was introduced in the Senate by Senator Wagg and two days later in the House by Speaker Getzen. House and Senate committees reported the bill favorably after full public hearings.

But a determined opposition was aligned against the bill and forced a number of weakening amendments, including, for example, the exclusion of turpentine workers and railway employees in intrastate commerce. But the sawmill interests, which were primarily responsible for the defeat of the bill, continued their obstructive tactics. They even carried with them the exempted turpentine interests on the plea of a close business association and the railway employers because of their railway restaurants! One seasoned observer

[1] See "Florida Debates Compensation," *American Labor Legislation Review*, Vol. XIX, No. 2, June, 1929, pp. 141-142.

stated that in all his experience he had never witnessed a more determined and persistent lobby.

On May 1, in a crucial test, a disingenuous amendment proposed by the opposition was passed by a vote of 21 to 16. However, the bill was referred to the engrossing committee upon the insistence of Senator Wagg who refused to give up the fight.

The measure was "passed over" a number of times at the request of the sponsor in the hope that a more favorable moment would present itself. That time never arrived and the legislature adjourned without a final vote being taken.

On the House side consideration was so long postponed that the bill could be brought up only by unanimous consent, which was not forthcoming.

For two more years employers in backward Florida will continue to be at the mercy of damage suits, and workers when injured will have no recourse but the uncertain remedy of court action. Meanwhile, in Toronto at the annual convention of the Association of Governmental Labor Officials last June, and in San Francisco at the National Conference of Social Work, meeting with the American Association for Labor Legislation in July, Florida's failure was the subject of critical comment.

The New Industrial South

VIRGINIA will find it "much easier to **prevent the growth of abuses now,** while industrialization is in its infancy, than to correct them later when they have become ingrained in the industrial fabric," said George T. Starnes, Professor of Economics at the University of Virginia, in a series of articles published in the Richmond *News Leader*. Although Virginia has enacted more labor laws than any other Southern state, "to a large extent it has been enactment without enforcement." Among the more important changes suggested by Professor Starnes are rock-dusting of bituminous coal mines, liberalizing of the workmen's compensation law, a nine-hour day and fifty-four hour work week for women, a new fire escape law, giving to the bureau of labor authority to build up codes regulating the employment of women, and requiring employers to furnish shields to protect workers against dangerous dust and fumes.

Maritime Safety for Longshoremen

By John B. Andrews

THE welfare of longshoremen has long been a subject of active interest to the American Association for Labor Legislation. Especially have its efforts been directed towards securing adequate compensation protection for these workers and toward reducing the dangers of their extra-hazardous task of loading and unloading vessels at the dock.

The enactment by Congress in 1927 of the Longshoremen's and Harbor Workers' Compensation Act provided foundations for the long-delayed but much needed protection. In drafting the legislation the Association included an important provision requiring the commission to study accidents among longshoremen and to recommend to employers, to insurance carriers and to Congress methods of accident prevention.

Following the enactment of this legislation, the usual quickening of interest in safety work on the part of employers was immediately noted. Significant is the recent adoption by Pacific coast employers' organizations of a voluntary safety code covering stevedoring operations on board ship.

The mid-year meeting of the Association at San Francisco offered an exceptional opportunity to encourage discussion of these more advanced safety practices developed on the Pacific coast. Able authorities with first hand knowledge of conditions, who were instrumental in formulating this code, discussed the problem of longshore accidents and the methods adopted to prevent them. In this Review, there are several articles by these same authorities whose treatment of the subject is an informing contribution.

At Chicago, in December, 1928, the Association held a conference to discuss the possible development of an American Marine Safety Code which would protect longshoremen and also enable us to cooperate with the maritime safety movements of other countries. This particular maritime matter, involving no problem of states rights, offers our country a unique opportunity in the field of international cooperation.

Especially important in this connection is the provision in the proposed safety code that proper safeguards be included in the con-

struction of vessels. Ship owners protest against the heavy expense sometimes involved in remodeling old vessels to provide proper arrangement of safety equipment. This provision, however, may be made at relatively small cost during construction of new vessels.

With the cooperation of representatives of the federal compensation commission, the International Longshoremen's Association and engineering and legal experts in international affairs, the American Association for Labor Legislation drafted in the form of a bill the general minimum safety provisions for ship construction. Attention was directed specifically to the construction of hatches, including beams and covers; ship ladders and gangways; the guarding of winches, motors and other deck machinery; and proper illumination. Provision was also made for adequate inspection. The standards embodied in this bill are in line with the draft convention adopted in June by the International Labor Conference at Geneva, and follow closely the best practices of American employers.

In conformance with the Association's practices for many years, the desirable elasticity in the making and modification of safety regulations has been sought by extending authority to the federal commission to develop and issue, after public hearing, supplementary administrative orders having the force of law.

It is believed that a finally satisfactory handling of the important subject of maritime safety from America's viewpoint must include certain statutory minimum safety regulations in general form, and at the same time provision for their improvement and modification in greater detail by means of administrative orders. These two essentials are embodied in the Association's bill (S. 1574) as introduced by Senator Norris on June 17, 1929.

This bill was introduced at the special session of Congress for the immediate purpose of making conveniently available in printed form, copies of the proposal. It is hoped that the subject will receive the careful attention that its importance deserves.

A Safety Program for Maritime Work[1]

By F. C. Gregory

Assistant Safety Engineer, United States Employees' Compensation Commission

TO attempt to outline a program for any industry which is just starting in an organized way to control its accident frequency is a delicate task indeed. It means a consideration of many of the customs and practices of the industry which the casual observer would not connect with accident prevention work and the application of general statements which are not true in individual cases, but which appear to be representative of the greater part of that industry.

The Basis and the Goal

There must be a mark to start from and a goal to work for in a real program of progress. Employers are morally and legally responsible for safety of places of employment and the appliances and method which they require their employees to use. This responsibility clearly includes adequate supervision. Financially, the employer who goes the furthest in living up to these principles is rewarded by greater productivity of labor and less expenditure for medical and compensation costs, through the elimination of a certain class of accidents. Economically, there can be no necessity for the marginal plants which "cannot afford" to come up to a reasonable safety standard. Employees are morally responsible for use of safeguards provided, for compliance with rules and practices adopted for their protection, and for protection of themselves generally, insofar as the employer's regular working methods will permit. It is upon these conceptions of the various responsibilities of industry in general that the stevedoring operations in American ports will be considered.

The goal sought is the elimination of "preventable" injuries. Experience of companies which have gone seriously into accident prevention work shows that at least one-half of the injuries may be

[1]Address, Mid-year Meeting, American Association for Labor Legislation, at San Francisco, July 2, 1929.

eliminated, while maintaining or even improving the efficiency of the operations.

The Maritime Industry

The maritime industry has certain handicaps to overcome which other industries lack. The principal ones arise from its very nature—division of responsibility and irregular employment. The manager of the dock, the ship owner, ship operator and stevedore can be entirely separate parties, each in control of factors influencing accident hazards, while the stevedore is the sole employer of the longshoremen. This is the most serious obstacle to the proper equipment and maintenance of the vessels. Theoretically, the stevedore hires his men for working a single ship or even for only a few hours work. Under such a system the building up of a spirit of loyalty to the employer and the training of men in safety is impossible. Practically, the situation is not so discouraging since many longshoremen work for a single employer throughout the year and can be reached through their loyalty and their self-interest.

Economic and social conditions have changed radically within the active life of many of the men now in charge of our shipping industry. The ones which principally affect the accident frequency in stowing and discharging cargo are the increased size of vessels; keener competition since the war—which is expressed in pressure for quicker turn around of vessels in a port; change in the character of longshoremen; increase in the number of men needed to meet "peak" conditions; increase in the number of stevedoring companies, which has increased competition for the business.

Not so many years ago a stevedore had a week, two weeks, or even longer to discharge and load a vessel. He took his regular men, trained for the work, and worked them on the day shift only until the job was completed. Recently a large trans-Atlantic liner, delayed by storms, was stevedored and cleared in less than forty-eight hours. Such pressure inevitably increases the chance of injury to the workmen—and this case is typical of the condition which has made it necessary for the industry to have available a large number of longshoremen for a given tonnage. Even with increases in the hourly wage, it is doubtful that the average annual wage in the industry has increased. Formerly the majority of longshoremen were sailors ashore and accustomed to the discipline of the sea: today

there is a resistance to necessary discipline on the part of the average longshoreman. In many instances perfect understanding between the ship operator and the stevedore has been broken by the new conditions, and they no longer work with the old-time harmony.

Most of the men who supervise stevedoring operations are nautical men. Their training makes them peculiarly fitted for doing their work well. But this same training under maritime laws and customs has not prepared them for dealing with the new labor problems or with the problems which have arisen under the compensation laws.

Safety Work Brought to the Fore

Two years ago the Longshoremen's and Harbor Workers' Compensation Act went into effect and brought about the greatest change in the industry as to the importance of its industrial accidents. Experience has proven that active safety work follows the application of workmen's compensation. For the first time, probably, the seriousness of an industry's accident toll is brought to its attention, and prevention is an economic necessity. The effect of the federal compensation law for longshoremen working upon vessels was evidenced in the increased interest displayed by firms and associations already working on their problems and in the taking up of the work for the first time by others.

Four Safety Problems

Enough study has been made to state the main problems in general terms. Lack of cooperation and understanding between the responsible interests is one. Paucity of information as to the general causes of the accidents has been the main reason for the many conflicting opinions and for much evading of responsibility. Inadequate supervision has resulted in poor discipline and unsafe practices. Changed conditions have brought in a different class of labor, organized and principally concerned with questions remote from accident prevention.

These problems suggest their own answers, the principal questions open to debate being the means of attack. Work already done in different ports may answer some of these. When the compensation law went into effect, the ship owners had strong organizations, formed along geographical or national lines, which were taking

care of other than safety interests. It was natural for these associations to consider it their function to take care of the interests of their members in the new situation. These organizations taken together fully represent their groups. In some ports stevedores have strong organizations, while in other places they are more loosely allied with ship-owners through committees attending to mutual interests. Through these channels they can act in an organized way. Labor has strong unions in most of the larger ports, through which the men can express themselves. Already some of the shipowners' associations have taken the initiative and have brought all of the groups together to consider accident prevention. This has been most successfully done on the Pacific coast where industry has employed trained engineers for each principal port and has undertaken the practical work of cutting down the number of casualties. It is through these existing associations that needed cooperation should and can be effected locally and in districts. When this has progressed a little further, there should be no great obstacle in the road of agreeing upon a means of carrying on the work on a national scale.

The formulation of a set of safe working rules has been one of the means of bringing everyone together and also of collecting much valuable information on causes of accidents. The work started individually by the ports of Seattle, Portland and San Francisco, has now brought the entire Pacific coast together to produce a uniform code designed squarely to meet the conditions which their combined research has disclosed. Galveston has formed a safety council, adopted and put into practice a set of rules; New Orleans and Boston are working toward the same end. In New York, the initiative was taken by the American Steamship Owners' Association which developed a set of rules and later took the lead in bringing other associations in to secure their cooperation. Further consideration of these codes and an attempt to get an agreement upon one for national application is expected to bring about a still better understanding.

When the industry is finally agreed upon the essentials of a safe working code, this code should be made the backbone of each company's working policy. When this is done, the foundation for the solving of the second question is laid. The men who have worked on the code will know that each rule has been founded on past

injuries. This knowledge will have to be passed on to the foremen. The foremen's dinners which are held on the Pacific coast are the best known method of bringing home the responsible part which the foreman plays in accident prevention. It is through them that results can be expected.

The final test of the program will be in individual companies. Cooperative work is showing what should be done and methods of doing it. Putting these into effect is the work of the company executive. Avoiding the injuring of his men is as important a function of the executive and foremen as moving the cargo, and at present is probably the more lucrative part. It cannot be separated and put onto one man, but a trained man can be of great value in attending to the many details. Companies that have carried on consistent safety work over a considerable period can point the way to the others and can also show a nice balance sheet as a result of their efforts.

It is vital to get the interest of the men aroused in the work and to break down their resistance to changes in working habits necessary for their protection. When union officials have had a part in preparing safety rules they can reasonably be expected to use all of their influence in urging men to obey them. So far, results bear this out. The attitude of the men is going to be one of the big factors in the success of the work, since it is responsible for such a large percentage of their own injuries. It will be determined largely by the attitude of their local organization and that of their employer brought to them through their foremen. If these are right, posters and other means of bringing the causes of accidents home will be useful.

Industry's Responsibilty

This paper has tried to show the problems and responsibilities of the different groups affected by stevedoring. In any method of enforcement, the real work and expense must rest on the owners and operators. Ship-owners and stevedores wish to carry out the work through their own organizations and their own efforts. It is a large undertaking but has a successful precedent in the work carried on for years on the Great Lakes by the Lake Carriers' Association, and in a few industries which have done excellent work under nominal supervision.

The United States Employees' Compensation Commission, which administers compensation for longshoremen, is also charged with doing all within its power to prevent injuries. It has attempted to get a thorough knowledge of conditions and of the attitude and wishes of industry, so as to develop its own program along the most useful lines. The Commission has been interested in the development of safety codes, and ready to assist in their further development and in harmonizing the different views expressed in them. Believing that more complete statistical information is needed, it is at present analyzing accident reports for the past year in a more thorough manner. It is considering the best method of securing fuller details on accident reports so that its statistics will be of still further value to the industry. It plans to study individual accidents where there is a chance of securing valuable information. It will do everything within its power to assist the industry in putting its safety program into effect and watch the results that are obtained. With its present authority and facilities the extent of this cooperation is naturally limited, but as the needs of the situation are made plain, it is prepared to ask for such additional powers and funds as may be necessary to carry on its part in the work. Desiring to cooperate to the fullest extent, the Commission appreciates the friendly attitude of the industry and the earnest consideration that it has given this problem. It will work and hope for the success of its endeavors.

Maritime Safety

REPRESENTATIVES from every department of Great Britain's maritime industry, from shipping magnates to seamen, gathered last month to pay a tribute to the memory of **Samuel Plimsoll, originator of the "Plimsoll line."** The occasion was the unveiling of a memorial erected on the Thames Embankment by the Seamen's Union in recognition of their indebtedness to this pioneer advocate of maritime safety legislation. It was due to his untiring efforts extending over a period of many years that, in 1894, Parliament enacted a law prohibiting overloading and requiring that a loadline, fixed by the Board of Trade, be painted on the side of every British vessel. On the day the Plimsoll Memorial was unveiled, the English newspapers took the opportunity to point to the significance of the recent Vestris disaster, which they said was largely a result of the failure of the United States to enforce the Plimsoll line requirement.

Pacific Coast Safety Code[1]

Stevedoring Operations Aboard Ship

By Byron O. Pickard

PROGRESS in the movement on the Pacific coast to prevent accidents to maritime workers is best measured by the recently issued "Pacific Coast Safety Code for Stevedoring Operations on Board Ship." For the past three months committees of employers and employees in the ports of Puget Sound, Columbia River, San Francisco Bay, Los Angeles, San Diego and other harbors along the Pacific coast have been working together and with Deputy Commissioners Pillsbury and Marshall of the United States Employees' Compensation Commission, and finally have pooled their ideas and agreed upon a code.

The principal objects of the code are to provide a safe working place on the ships for longshoremen and to divide the responsibility for the prevention of accidents between employer and employee.

It has been offered to both employers and employees for voluntary adoption. No penalties are provided nor has power been vested in any person or bureau to administer the code. The code is merely a set of safety rules which if universally adopted and enforced, will in a large measure develop "safety-mindedness" on the Pacific coast.

The code consists of nine sections as follows:—

Section (1) defines the scope and purpose of the code, and gives definitions of the more technical terms used therein.

Section (2) assigns the separate responsibilities of the vessel and stevedoring contractor, and defines the duties of the general foremen, gang foremen, hatch tenders, winch drivers and longshoremen.

Section (3) contains a set of general safety rules covering mechanical guards and other rules of general application.

Section (4) contains rules for the reporting of injuries and providing first-aid kits, clean drinking water, sanitary toilets, and in general for providing a safe working place as previously noted.

Section (5) is entitled "Safe Practices" and includes rules covering practices during (a) the preparation of the hatch and deck for cargo handling operations; (b) the rigging of the ship's gear for cargo handling operations; (c) the handling of the cargo, and practices incidental thereto; and (d) the preparation of the hatch and deck at the suspension of cargo handling.

Section (6) provides minimum standards for ship's gear, and inspection at frequent intervals.

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[1]Address, Mid-year Meeting, American Association for Labor Legislation, at San Francisco, July 2, 1929.

Section (7) provides minimum standards for the stevedore's gear, and provides for inspection at regular intervals.

Section (8) provides for local port rules which could not be included in the general code owing to varied practices and conditions.

Section (9) is an appendix and will contain minimum standards for ladders, lighting, different types of gear, new ship construction, mechanical guards, first-aid kits, etc.

In order to provide machinery for the final adoption of the code, and the approval of subsequent exceptions, amendments, or of any proposed port rule, a Pacific Coast Safety Code Committee has been provided consisting of fifteen members chosen from both employers and employees as far as possible, consisting of three from Los Angeles harbor, three from Oregon, three from San Francisco harbor, three from Washington ports, together with the deputy commissioners of the Thirteenth and Fourteenth Districts, and a chairman to be elected by the committee.

The code is supplemented by a so-called "Brown Book," entitled "Duties of Longshoremen in Accident Prevention," which has been prepared as a longshoremen's hand-book on safety.

Accident prevention on the entire Pacific coast is not over three years old, but during that time accidents have been reduced to such an extent that the California Rating & Inspection Bureau has just announced a reduction in the manual rate for stevedoring operations aboard ship from $14.44 per $100 of payroll to $11.11—a reduction of $3.33 per $100 of payroll. This represents not only a substantial saving in premiums, but also the saving of many arms, legs, lives and much suffering.

The marine safety work on the Pacific coast, from Portland on the north, to San Diego on the south, is handled through an Accident Prevention Department, supported by the two large shipowners' associations, namely, the Pacific American Steamship Association, and the Shipowners' Association of the Pacific Coast, and the Waterfront Employers' organizations in the several ports. The headquarters are in San Francisco, under the writer's direction, with assistant safety engineers stationed at Portland, San Francisco and Los Angeles.

In Puget Sound and other Washington ports marine safety is under the direction of F. P. Foisie, assisted by M. E. Arkills, safety engineer, and financed and supported by the Waterfront Employers' organization in that port.

Administration of the Longshoremen's Compensation Act on the Pacific Coast[1]

By Warren H. Pillsbury

Deputy Commissioner, United States Employees' Compensation Commission

MY compensation district covers California, Nevada, Utah, Colorado, Arizona, New Mexico and the Territory of Hawaii. The other half of the Pacific coast is under the administration of William A. Marshall at Seattle, and comprises Oregon, Washington, certain interior states and the Territory of Alaska. To avoid encroaching upon his district I will speak mainly of the last two years' experience in California and Hawaii, referring briefly to a few matters upon which Mr. Marshall and I have been collaborating for the Pacific coast as a unit.

Successful Administration

In general, the administration of the federal act has proceeded smoothly and with little friction. Employers, insurance carrier and labor, had become well accustomed to workmen's compensation laws through experience in the prior fifteen years under State Workmen's Compensation Acts of high standard and fell into line easily with the still higher standards of the federal act. In the main, the policies, construction of the law and administrative detail have corresponded largely to the state practice with which they have been familiar.

The principal new feature requiring a change of ways by insurance carriers was the provision of the Longshoremen's Act, requiring that the first payment of compensation be made on the fourteenth day after injury and imposing a penalty of 10 per cent additional compensation for each payment allowed to become more than fourteen days overdue. Believing that prompt payment of compensation is one of the most important factors in the administration of the law, I commenced at the very beginning of the law to require the 10 per cent additional payment in cases of delinquency automatically, except where the carrier could submit a statement showing that conditions beyond the employer's control had prevented payment within the allotted time. While some confusion developed in the first few months, this speedily blew over and

[1] Address, Mid-year Meeting, American Association for Labor Legislation, San Francisco, July 2, 1929.

prompt payment is now the universal practice in the district. The payment of 10 per cent additional compensation does not become necessary now in more than one case a month and with the exception of one claims adjuster, who appears too old to learn new ways, the 20 per cent penalty for non-payment of award has not been imposed.

Compulsory insurance provisions of the federal act are working well. The insurance brokers of California and Hawaii cooperated effectively when the act took effect, placing the longshoremen's endorsement upon every policy issued through them to their clients in which it might conceivably become necessary, and in some cases where it could not by any stretch of the imagination be required. I felt their cooperation was becoming too effective when I received a certification of insurance under the federal act for a city water works in the interior of a state located more than one hundred miles from the nearest navigable waters! At the present time my office has records of about 2,230 insured employers for this district, of whom probably fifty have regular and extensive operations under the federal act. The remainder for the most part may be slightly exposed to its operations from time to time, sufficiently so to require insurance protection.

Administration of the compensation features of the law has involved the usual jurisdictional legal features. Checking of accident reports to see that full compensation is paid is carried on continuously as a matter of routine. Hearings in contested cases now average fifteen a month for San Francisco, Los Angeles and Hawaii. There have been five appeals from my decisions since the Longshoremen's Act took effect, mainly on jurisdictional questions. To date I have been sustained in three. There have been no reversals and two are slumbering on the files, prosecution of the appeal having been virtually abandoned.

Accident Prevention

The feature of the law which gives me the greatest satisfaction is the progress we have been able to make in accident prevention work. Just prior to the taking effect of this law, the waterfront employers and shipping companies, whose headquarters centralize at San Francisco, created an accident prevention department, which has been in the able charge for the past two and one-half years, of

Byron O. Pickard. The scope of his operations has been extended step by step to include Los Angeles, San Diego, and recently Portland, Columbia River ports and the San Francisco harbor. I have cooperated closely with the work in its development. When the federal act first took effect I requested the employers' and employees' organizations of San Francisco to appoint a safety committee to meet with me. This was done and later similar committees were formed at Los Angeles, San Diego and Hawaii. The work of these committees has chiefly been to assist in the preparation of a voluntary code of safe practices in shiploading and unloading operations. Beginning with a small booklet of rules adopted at San Francisco we now have in effect two sets of rules, a blue book for foremen and a brown book for the men, in all ports in this district.

Within the last few months we started a movement to consolidate into a single improved draft all the voluntary port regulations of the two districts. A rather elaborate uniform code of safety standards or regulations for the entire Pacific coast is the result, and has just been adopted by port organizations representing both employers and labor of Seattle and the Puget Sound, Portland and the Columbia River, San Francisco Bay, Los Angeles harbor and San Diego.

The appointment of Frank Gregory by the United States Employees' Compensation Commission as its assistant safety engineer has materially speeded this work. The first four months of his service were spent last fall on the Pacific coast with headquarters at San Francisco. His participation in committee meetings and in the drafting of safety standards has been of great value and too much praise can not be given Mr. Pickard also for his assistance and cooperation in the work.

As a direct result of this safety movement there was a decided decrease in accidents last winter as over the preceding winter, although the volume of tonnage handled was higher last winter. Continued vigilance is, however, necessary, as foremen and workers are likely to sink back into careless ways if they are not continuously prodded. It takes a long time for them to learn that safety measures which apparently slow up the work for the time being are in fact the most expeditious methods of cargo handling in the long run from the point of view of speed and tonnage cost, as well as in saving lives and time of workers.

Improvements in Act Required

Two improvements in the Longshoremen's Act should, I believe, be requested at an early date. One deals with the scale of death benefits for minor children. The law now provides 35 per cent of weekly wages for a widow and 10 per cent for each minor child additional. If there is no widow each child receives 15 per cent. I had an unfortunate case at Hilo, Hawaii, last winter in which the deceased employee earned wages of less than the minimum and left a five-year-old child with no dependent widow. The only award I could make for the child was $1.80 a week, which is manifestly insufficient for the support of a child even in that delightful out-of-doors climate. The minimum death benefit for a single dependent should be 35 per cent.

The other important change necessary is to clarify the power of the deputy commissioner to reopen a case. A recent decision in Massachusetts holds that this cannot be done after a compensation order has been issued and a finding made that disability has ceased, no matter how seriously the employee may again be disabled by a recurrent illness. There is also doubt as to the power of the deputy commissioner to correct errors which may creep into a decision or to grant relief within a limited time when there is brought to his attention newly discovered evidence of importance or of fraud. The power should be the same as that of an ordinary court to revise its decisions within a limited period of time, with a continuing jurisdiction to make such further compensation orders as may be necessary from time to time in the administration of justice, where a change in conditions after the previous order warrants such action.

The district offices have also conducted investigations upon request for the United States Employees' Compensation Commission in cases arising under the 1916 Federal Compensation Act for injured Federal employees, thus reducing the time required to make awards of compensation or decisions under that act.

Longshoremen's Act a Standard

The federal acts have had a salutary effect in the West also in creating an incentive to increase the scale and scope of benefits under state compensation acts. The California legislature this season has just raised the maximum weekly payments under the state law to $25 a week to meet the maximum provided by the Longshoremen's Act, thereby removing an inequality heretofore

existing between stevedores injured on the ship, who come under the Federal Act, and those injured on the dock while unloading the same ship, who received compensation under the state law.

Safety Code for Longshoremen Adopted at Geneva

THE official International Labor Conference at Geneva in June adopted by an overwhelming majority a draft convention containing detailed provisions for the safety of workers employed in loading and unloading vessels.

This decisive action, following two years' consideration, represents the final deliberation of groups from 50 countries composed of workers, employers and government representatives.

The convention covers all processes performed on shore and on board ship "whether engaged in maritime or inland navigation," excluding ships of war. Provision is made, however, for the granting of exemptions in respect to docks where traffic is small and confined to small ships.

Safety standards on shore include the protecting of all regular approaches in addition to docks and wharves and the securing of safe means of access from ship to dock and from ship to ship.

Ship construction standards cover the placing and construction of ladders, hatch coverings and beams. Detailed provisions insure the use of safe hoisting machines or gear, and all appurtenances, including chains, hooks, rings and shackles. All motors, cogwheels and gearing in addition to winches and cranes are also covered by specific stipulations. Provisions affecting the construction or permanent equipment of ships are to "apply to ships of a Member, the building of which is commenced after the date of ratification by the Member, and to all other ships within four years after that date."

To safeguard operations are provisions dealing with methods of handling cargo, use of stages and safe working loads. Periodic inspections are required to insure the maintaining of all standards.

The Conference adopted two recommendations—favoring reciprocity agreements for the recognition of inspection certificates, and in favor of consultation with employers' and workers' organizations in the drafting of regulations under the Convention. A resolution was also adopted favoring the appointment of an international technical committee to draft model regulations for the guidance of governments in applying the Convention.

Upon the adoption of the Draft Convention by the national law-making bodies of member countries, this safety code becomes an international labor treaty.

Safety Work in the Longshore Industry[1]

By J. B. Bryan

President, Longshoremen's Association of San Francisco

THERE is less literature and information about the longshore industry than about any other that we know of. With the exception of "Barnes' Longshoremen", which is a study of longshoremen in the Port of New York, with a few appendices concerning attempts to decasualize dock labor and some facts about accident prevention work in Germany prior to the World War; a brief mention of longshoremen in MacAlwee's and Taylor's treatise on Wharf Management; and the Department of Commerce's Bulletin "Miscellaneous Series No. 92, Stowage of Ship Cargoes", in which also a brief mention of longshoremen is made, the bibliography on this industry is practically nil. It is no wonder that so few people know anything about the longshoreman, what kind of work he does, is it hard work or not, hazardous or not, is it skilled or unskilled labor, are men steadily employed or just casual workers?

There are between 100,000 and 125,000 longshoremen in the United States; approximately 14,000 on the Pacific coast; and about 3,500 in San Francisco and vicinity. The work requires intelligence, experience and judgment, and so must be classed as skilled labor. The longshoreman must be strong and have a good physique, otherwise he could not stand the hard work or the long hours that it is sometimes necessary to work in order to give quick dispatch to a vessel. The work of loading and unloading ships and handling cargo is hard physical labor and, if we are to judge by the number of accidents and fatalities in the industry, and the large premiums that are charged by insurance carriers to insure men under the Longshoremen and Harbor Workers' Act ($14.40 on the $100 payroll), then the work must be considered hazardous indeed. The work is casual to a great extent, but in San Francisco and also on the entire Pacific coast there is a big movement to decasualize this class of labor. This is being done in San Francisco by cooperation of the Longshoremen's Union and the Ship Owners' and Water-

[1]Address, Mid-year Meeting, American Association for Labor Legislation, at San Francisco, July 2, 1929.

front Employers, and in Seattle, Portland, San Pedro and San Diego by employer associations. In over 50 per cent of a thousand cases taken at random, from four companies' accident reports, on file with the United States Deputy Compensation Commissioner, longshoremen presented statements of earnings in excess of $1,950 for the year prior to their injury, thus entitling them to the maximum disability compensation payment. So much for the longshoremen.

When it became evident that some kind of legislation would eventually be enacted by Congress, placing longshoremen under the protection of a Federal Compensation Act, far sighted employer executives began seriously to study the situation and speedily found that the insurance carriers were going to charge a high premium rate to carry this kind of industrial accident insurance policies, partly because no accident prevention work had ever been done before in the industry and partly because the insurance carriers had absolutely no experience to base their rates on. The employers of this port of San Francisco saw the light immediately and organized a safety program and promptly hired a safety engineer to make an initial survey. A safety committee was formed to help him. The employers invited me to these meetings and at first I was not impressed by the newly created Accident Prevention Department, and, I confess, did not help it along as I should have done.

About this time Dr. Boris Stern, of the United States Bureau of Labor Statistics, visited me. He was, and still is, engaged in compiling a factor handbook for our industry. We naturally discussed questions of Union policy in relation to Labor and Capital, and during these discussions Dr. Stern insisted that in his opinion the most outstanding single benefit that the union could do for its members was to join whole-heartedly in the safety movement of the employers. Consequently we began to attend these meetings, regularly joining in the discussions, and by our practical knowledge of the industry eventually brought in a set of rules and presented them to the safety committee for its consideration. These rules were carefully gone over by the safety committee and the safety engineer, Mr. Pickard; some of the rules were eliminated, others were further developed and more new rules were added, great care being taken not to make a rule or regulation read or appear ridiculous. These rules were then adopted by the ship owners' associa-

tions and were printed in two pamphlets, one consisting of Duties of Foremen, the other of Duties of Longshoremen.

Shortly after the employers' safety committee started to function, Mr. Pillsbury, the United States Deputy Compensation Commissioner administering the Federal Longshoremen's Act for our district, organized his Port Safety Committee and while working over the various rules adopted and proposed for safety purposes, soon saw that if any headway was to be made a uniform safety code must be adopted for the entire industry. He thought that a great step would be taken in the right direction if the interests on the Pacific coast could be induced to start a movement with that end in view. The matter caused considerable discussion and finally we decided to have a try and see if we could do it. Emissaries of our safety committee were sent north and south to broach the matter with other ports and a subcommittee was appointed to draw up a safety code that would include the best features of the work that had been previously done and that would have the approval of all concerned on the Pacific coast.

The subcommittee appointed to draw up this code consisted of Mr. W. H. Pillsbury, who brought to bear his great knowledge of compensation matters on this work; Mr. Pickard, the safety engineer and technician of the committee; and myself for the practical point of view of the men. The work of drawing up this code involved a great deal of time and work attending conferences, revising drafts, making definitions where none existed before that would suit the purposes of this code, presenting the draft of the code to the different organizations for approval, the setting up of a Pacific Coast Code Committee, and the final tentative adoption of the code for the longshore industry by all the ship owner associations and port authorities of the Pacific coast.

In any work of this nature three prime factors are necessary before any degree of success can be obtained, namely, the good will of the men, the cooperation of the management and the impartial enforcement of the provisions of the code. If these three factors are maintained, we are very sure that the rules, regulations and provisions of the Pacific Coast Safety Code will materially cut down the number of accidents in this industry and reduce the cost of compensation insurance.

Machine Methods in Labor Legislation

By Cornelius Cochrane

A NEW YORK Assemblyman from Rochester, Harry J. McKay—a representative of private insurance interests—conspicuously identified himself at the last legislative session with an especially disquieting amendment to the workmen's compensation law.

This bill, drafted by Cyrus W. Phillips, of the same city, radically reduced the benefits payable to a worker or his dependents in the event that he had been previously disabled. It also relieved the insurance carrier in such cases from paying the $1,000 death assessment into the special compensation and rehabilitation funds required when no dependents survive.

In a conference on the proposed measure, according to Secretary O'Hanlon of the State Federation of Labor, Mr. Phillips agreed it would be wise to postpone consideration of the bill until 1930. But Assemblyman McKay suddenly introduced this astounding proposal a few days before adjournment when all committees had finished their work and been discharged—except the Rules Committee. This committee, at the behest of Mr. McKay, placed the bill on the calendar for immediate passage and it was jammed through the Assembly on March 27. The Senate leaders adopted the same procedure and passed the measure on a strict party vote the next day just before adjournment. **No public hearings, no debate marked the swift progress to final legislative "approval."**

State Industrial Commissioner Frances Perkins and members of the Industrial Board joined in the storm of indignant protest against the amendment and the methods adopted to pass it. On April 5, Governor Roosevelt, characterizing the bill as "vicious," vetoed it with this blistering criticism: "It is typical of some of the pieces of ill-considered legislation which were rushed through in the closing days of the session during the unintelligent riot which characterized the last week of the legislature."

Holding Assemblyman McKay responsible for this "vicious measure" the New York State Federation of Labor set forth the facts in a lengthy published statement, cited nine labor bills against which Mr. McKay voted, and called for his political defeat.

Make the Scales Balance!

—The Survey

"The Public Works Reserve is one of those constructive economic remedies—not a universal panacea, but a necessary governmental contribution to any effective program, even after employers and industry have done their utmost. It is a determined policy to expand and contract public works in accordance with the ups and downs of business activity."—**Otto T. Mallery.**

"I wish to lay down the proposition that the very prerequisite, the very foundation, of economic progress to our industrial and business employees is full and stable employment. A continued surplus of unemployed workers means decreasing wages, increasing hours and fear for the future. To protect labor, to maintain its prosperity, to abolish poverty, we must so organize our economic system as to provide a job for all who have the will to work."—**Herbert Hoover** (*Newark Address*).

Hoover and Unemployment

By George H. Trafton

WHEN Herbert Hoover was elected President, it was widely believed that now at last there would be prompt and vigorous action to prevent unemployment.

This hope was based upon Mr. Hoover's own record of active interest in the problem. Eight years ago he was the chairman of the President's Conference on Unemployment. This Conference recommended at least two very concrete measures which the Federal government should undertake; namely, the establishment of an adequate system of employment bureaus and a long-range plan for the construction of public works during periods of unemployment. The report of the Conference made specific recommendations for carrying out these projects.

Two years later, in 1923, a committee on business cycles and unemployment, appointed by Mr. Hoover, published a report for which Mr. Hoover wrote a foreword. This Committee was assisted in its work by the National Bureau of Economic Research. Its report again emphasized the need for action in providing employment bureaus and control of public construction. The report said: **"A national system of employment bureaus was recommended by the President's Conference on Unemployment, and the committee gives hearty approval to that recommendation." In regard to public works the report said: "The committee calls attention to the need for careful drafting of laws to insure a policy of reserving public works projects, if it is to be done effectively."**

The following year, 1924, Mr. Hoover wrote the foreword to a third report which again urged the planning of public works with a view to the alleviation of unemployment during periods of depression. This report was issued by a committee appointed by Mr. Hoover, as Chairman of the President's Conference on Unemployment, to make a study of seasonal operations in construction industries. The recommendations of this committee also gave support to the plan for a system of employment bureaus that had been recommended by the President's Conference.

Since Mr. Hoover became President, his Committee on Recent Economic Changes has once more called attention to the proposals of these previous committees. In addition, it cited the recent

Report of the Senate Committee on Education and Labor, which also voiced the need for an improved Federal employment service and for leadership by the Federal government in the planning of public works.

Thus, no less than four committees, selected by Mr. Hoover himself, have, after the most careful study of many aspects of the unemployment problem, recommended that the Federal government establish an adequate system of employment offices and that it act upon the proposal to provide for a more careful planning of public works. Each of these four reports have been issued with Mr. Hoover's endorsement. In addition, a committee of the Senate has made a report giving hearty approval to the same proposals. With such a background of long and careful study and repeated official recommendation as this, it is not surprising that many have expected from President Hoover a detailed statement of plans for putting into effect these sound recommendations. Expectation of prompt action is further justified by Mr. Hoover's campaign speeches at Newark and St. Louis, where he spoke specifically on these matters in connection with his reference to the abolition of poverty.

Unusual newspaper publicity was given to the rumor that President Hoover had proposed a "three billion dollar prosperity reserve." The President himself has made no specific public statement of the proposal. The announcement was made only in the most general terms by Governor Brewster, but Foster and Catchings have in a flare of publicity given a further impression to the public that Mr. Hoover has a well-considered plan. Because of a prominent use of the President's name, these articles have naturally been looked upon by many as a popular interpretation of views endorsed by Mr. Hoover, and as such they have enjoyed some of the confidence that the public has shown toward him.

Such extensive publicity has led the public to believe that President Hoover has taken action which certainly cannot yet be ascribed to him. Even Messrs. Foster and Catchings, with whose names the "Hoover plan" was intimately linked, were themselves quite unable to specify what Congress should really do.

There is need for definite and outspoken action by the Hoover administration. The Federal government should as quickly as possible assume the active leadership in carrying out an intelligent

public works program, which has been endorsed again and again—in principle. It is admittedly a plan which calls for the cooperation of states and municipalities, but, as urged by the Senate committee that studied the subject, **the Federal government should set the example.** The Jones bill, which was introduced into Congress more than a year ago, would set up a reserve of $150,000,000. This measure was prepared largely within Mr. Hoover's Department of Commerce; and it was publicly asserted that he endorsed it. The Senate Committee on Commerce reported it favorably. Is this still President Hoover's plan? The public does not know.

There is also a bill before Congress providing for a greatly enlarged system of employment bureaus. It was introduced by Mr. Wagner, a Democratic Senator, following its introduction several years earlier by Judge Kenyon, a Republican. What is the administration's proposal? There has been no public move by the President on this subject; not even a rumor.

The American Association for Labor Legislation has long insisted that it is time for definite action on these two important proposals. A period of comparative prosperity must not be allowed to blind us to the fact that unemployment is a permanent problem which needs to be given continuous attention. The leading authorities upon the subject agree that an adequate system of employment bureaus is the indispensable foundation of all other measures for the meeting of this problem. President Hoover, of course, knows this fact. The Federal government has been urged to act in this direction time and time again. **The Hoover administration should act soon.**

The program for public works also demands specific legislation. Here, it is reasonable to expect President Hoover to detail the proposal that he has already presumably described in a general way. The public has responded most favorably to the vague reports it has received, and there appears to be no political reason for further delay. Moreover, there is every practical reason for putting this proposal into definite form with strong administration support.

Those who have in the past followed with keen satisfaction the President's repeated endorsement in principle of an adequate public employment service and the long-range planning of public works will now look confidently to him for leadership in putting both measures promptly into effect.

Official Commission Reveals Unemployment Agency Abuses

Recommends Strict Control by New Legislation

THE New York state law governing fee-charging employment agencies should be repealed and more effective legislation enacted. The present intolerable conditions demand new legislation which will provide for rigid regulation of such private agencies and efficient administration of the law.

This, in substance, is the conclusion arrived at by the New York State Industrial Survey Commission in its report[1] to the legislature. In a series of hearings held in several cities of the state, the commission uncovered facts which clearly demonstrate the inadequacy of the existing law and the failure of the administrative machinery.

Present Law Ineffective

The evils that have in the past been found to prevail among fee-charging agencies were again revealed by the commission's study. Employment agencies still operate which divide with the employing superintendent the fee collected from the applicant by the agency, thus giving the superintendent an incentive to arrange for a high rate of turnover. Jobless men are still being charged fees and sent to seek jobs which do not exist. Then, because the law allows the agency three days to return the fee, the victim often finds it impossible to recover the fee he has paid. The padrone system, presumably abolished by law, still exists, and workmen are made virtual prisoners by these labor contractors who depend upon fee-charging employment agencies for their supply of labor. Overcharging and misrepresentation of working conditions were also among the abuses called to the commission's attention.

These evils cannot be controlled by the New York statute, which has remained virtually unchanged since its enactment twenty-five years ago. Under this law the cities are granted authority to issue licenses to private agencies and to regulate their conduct. The commission scored the laxity which characterizes the granting of these licenses. In New York City the procedure followed in granting more than twelve hundred licenses during the year is so bad that the local License Commissioner told the Survey Commission "that it would doubtless be an easy matter for a person previously convicted of crime to obtain a license."

[1]Legislative Document (1929) No. 75, Albany, N. Y.

There is no code governing the sort of premises in which an agency may have its offices. Although in New York and other cities which attempt some sort of regulation, an inspection is presumably made in each case, the commission found a "sad lack of any standards of decency in some of the agencies."

The application and the report of the inspector are posted before the license is issued. In the event of a written protest a "public hearing" is held according to the statute. But in New York City the commission discovered that *in practice* all persons were excluded from the hearing room except the licensee, the complainant and the investigator of the department.

License and Bond Requirements Inadequate

The statute provides that a license fee not exceeding $25 may be imposed by the cities; but the fees actually charged vary widely. Some cities do not require any fee at all. The law also has a provision regulating the fees that may be charged by the agencies; but since the Ribnik case in 1928, this clause cannot be enforced.

A bond of $1,000 must be given by the agency, but the provision for its forfeiture is so cumbersome that despite the evidence of infractions of the law, the commission was unable to learn of a single case of legal forfeiture by a surety. The amount of the bond, also, is quite insufficient, the commission points out. In the report is an illustration of the failure of the $1,000 bond to fulfill its purpose. While the commission was carrying on its investigation the Sarfatty Agency closed it doors. Sarfatty went to Mexico and his employees departed, too. The job seekers who had paid fees ranging from $3 to $25 to the agency and who had received no jobs, applied to the city license commission for relief. Some of them had given their last dollar to the agency and now were without work and dependent upon charity. It was found that the known claims upon the agency amounted to more than $1,700, while the surety company's liability under the bond was only $1,000. After four months delay, the License Commission, spurred on by the state's inquiry, finally began the pro rata distribution of the $1,000 received from the surety company among the claimants who could then be found. Clearly, there is need for a bond requirement high enough to make it difficult for an applicant of questionable character to obtain a surety, and also a bond that will provide sufficient funds to recompense those who may in some cases be defrauded.

The report scores the laxity of the administration of the law. It asserts that "there is no active keen attention to the enforcement of the employment agency law." In the case of New York City, the commission describes specific examples of the failure of administration; and in other cities, the commission found the enforcement to be even worse. Outside the larger cities "there is no semblance of regulation of employment agencies."

Better Public Agencies Needed

The members of the commission were not favorably impressed by the present showing made by state employment agencies. The need for more efficient administration is stated as follows: "the state public employment office could, in the judgment of your commission, perform an important service as an effective regulator of the private agency, not by force of law, but by reason of the establishment of higher standards of service and by rendering effective help both to persons seeking employment and to employers seeking employees. As a competitive agency, it could and should put the private agencies on their mettle. Its free services should act as a regulator to prevent exhorbitant charges on the part of the private agency."

New Legislation Urged

The Survey Commission included in its recommendations (1) concentration of the administration of the law in the state industrial commissioner; (2) a higher license fee and a higher surety bond requirement; (3) adequate investigation of applicants and a public hearing on each application; (4) the formulation, by the Industrial Board, of a code governing the character and condition of the premises in which employment agencies may be conducted and of rules governing their conduct; (5) the granting of power to the industrial commissioner to revoke agency licenses for cause.

In introducing these recommendations the commission said: **"your Commission believes that the matter of procuring employment for the residents of the state and procuring employees for the industries of the state is a matter of concern to the state itself and should not be delegated to the various localities. It is just as much a matter of state concern as is factory inspection or the requirements of safe and decent working conditions. It is a matter as to which the state should have the greatest concern, for it affects the welfare of the poor and needy and the most helpless of our people."**

Senate Investigates Unemployment

THE causes of unemployment and the means of preventing and relieving it have again been reviewed for the Federal government, this time in hearings before the Senate Committee on Education and Labor. The hearings and the report of the committee have been published and constitute a valuable compilation of recent facts and programs dealing with unemployment.

Those whose testimony is printed include some of the leading authorities on employment problems. Among them are John R. Commons, Henry S. Dennison, Sam A. Lewisohn, Otto T. Mallery, Bryce M. Stewart and Ethelbert Stewart. With the report is printed an extensive study of unemployment insurance plans which was made by the Industrial Relations Counselors. Isador Lubin, who assisted the Senate committee in its work, adds a summary of the facts presented at the hearings.

The recommendations of the Senate committee contain nothing that is new, but they serve to emphasize again the desirability of taking positive action to remedy the unemployment evil. The committee urged a census of unemployment as the most important immediate step toward obtaining accurate statistics upon the subject. This step has been authorized by Congress since these hearings were held.

The organization and extension of public employment agencies, federal and state, received hearty endorsement. **"The burden of assisting the unemployed to find work should be borne by organized society through the maintenance of efficient public employment exchanges. Efficient public employment exchanges should replace private exchanges. Private employment exchanges which merely attempt to make contact between a worker and a job, which operate for profit and solely for profit, present a situation where there are conditions condusive to petty graft. Such practice at the expense of the unemployed is a crime which should not be tolerated."** Such were the emphatic words of the Senate committee.

The committee believed that the Federal government should leave the matter of unemployment insurance to the states and to individual industries. It did, however, give due attention to the

importance of this subject in the hearings and by including as an exhibit the study by the Industrial Relations Counselors. And it urged the extension of plans similar to the Hart, Schaffner and Marx system of unemployment insurance.

On the subject of "the planning of public works with regard to stabilization", the committee said in its report: **"The evidence is very clear that the Federal government may SET A VALUABLE EXAMPLE TO THE STATES in the adoption of a practical scheme for the planning of public works. * * * The Government should adopt legislation without delay which would provide a system of planning public works so that they would form a reserve against unemployment in time of depression."**

The committee stated finally that further consideration might well be given to "the necessity and advisability of providing, either through private industry, through the states, or through the Federal government, a system of old age pensions."

Congress Authorizes Unemployment Census

CONGRESS has authorized a 1930 census of unemployment. This is indeed gratifying. The statistics which are to be obtained will undoubtedly give the United States more accurate and more complete information upon unemployment conditions than it has hitherto possessed. Hitherto other countries, which have national employment exchanges, have been far in advance of the United States in this regard. And while congratulating ourselves upon the coming census, we must recognize that the large expense incident to it is made necessary by the lack of such an employment service. It is to be hoped that before the census of 1940 is taken, a repetition of the census of unemployment will be made less necessary as a result of our having an adequate national system of employment bureaus.

Now that Congress has authorized the unemployment census, great care must be taken to see that the information obtained by the enumerators shall be of the greatest possible value. The preparation of the schedule is now in progress and many experts have been assisting in the work. One important aspect of the unemployment situation is what has been termed "unemployment within employment." This part-time employment cannot be uncovered by a schedule which uses a day as its unit of time. The census questionnaire should be worded so as to disclose the amount of employment the worker has had during the *week* immediately preceding the date upon which the census is taken. Only so can the real extent of unemployment be revealed.

Public Employment Bureaus in Paris

By Gertrude R. Stein

(Editor's Note: The following illuminating report was prepared by Miss Stein at the request of the American Association for Labor Legislation, and is based upon her recent special investigation in Paris. Her conclusions are all the more significant to American readers who will recall that Miss Stein is exceptionally well informed and operates a vocational placement bureau which is one of the best equipped fee-charging employment agencies in New York City.)

IT is significant that there are 25 free public employment bureaus in the Seine or Paris district, while there are only four free public employment bureaus in Greater New York. Also important is the fact that although Paris has about 100 commercial or private bureaus, Greater New York in 1928 licensed 1,140 bureaus which are permitted to charge fees.

In the United States we had a strong public employment service during the war, but since the war much of the activity of these bureaus has ceased or lessened. In France, the public employment system was started during the war and has gone on growing and developing ever since. Paris public bureaus are now placing 1,000 workers a day. They have excellent publicity and are continually innovating necessary reforms.[1]

How does one account for the growth of public employment bureaus in France? There has been comparatively little unemployment in France. There are very few unskilled workers out of work. There is a fund for unemployment insurance, but very few avail themselves of it. On May 11, 1929, only 641 were receiving unemployment insurance in France and 300 in Paris.

Causes of Development

The public employment bureaus are not merely the dispensers of unemployment insurance but are rather the dispensers of work which is fairly plentiful. **An employment bureau which tells us**

[1] Some of the leaders in this movement in France were helpful in giving the facts which form the basis of this paper: M. Fagnot, chief of the central office in the Ministry of Labor; M. Touzaa, head of the bureaus in the Seine department; M. Boissard, secretary of the International Association for Social Progress; Prof. E. Fuster, chairman of the Joint Committee of the Department Exchange, and Dr. Max Lazard, who has made special study of the subject.

there is work is more popular than one that tells us there are no jobs.

A second reason for the growth of the public bureaus are **the laws regulating commercial employment agencies.** These laws have become stricter so that the private bureaus have had little opportunity to develop. Few new bureaus are being initiated privately. According to the present law, no charge can be made by a commercial agency to workers, and the maximum charge for employers is about 60 francs ($2.40).

Third, **the supervisory committee of each public bureau has greatly aided in its development.** These committees are an essential part of the system and are really functioning in gaining the cooperation and advice of the employers and workers in each group.

Fourth, in my opinion, **the growth of the public employment bureau in France is largely due to the high calibre of the men at its head.** These men do not appear to be politicians. They are statesmen and fortunately their statesmanship is being used in as technical a field as this one. The economic situation in France after the war due to the instability of the exchange was a serious one and it took statesmanship to pilot the bureaus through this period.

Rapid Development of System

An organization to study public employment bureaus had been started in 1912 and public opinion was gradually being built up to support the movement. By 1917 the first law was passed but the larger program was not definitely voted by the Senate until 1925.

The bureaus are under the department of labor, excepting for the placement of agricultural laborers and foreigners which is done in cooperation with the department of agriculture. By law there must be a bureau in every department with 10,000 inhabitants. In the Seine department, which is Paris and its immediate environs, there are twenty-five bureaus. The Seine department placed 16,276 in 1916 and by 1924 was placing 308,471. In other words, within eight years the bureau was placing more than twenty times as many people as in its first year.

National statistics also show the bureaus are rapidly growing. The largest growth seemed to come, however, in 1919. Significant figures are the following from the national bureaus report:

Year	Placements	Year	Placements
1917	159,791	1923	1,446,426
1918	326,513	1924	1,512,103
1919	882,472	1925	1,450,939
1920	1,078,294	1926	1,479,645
1921	1,073,450	1927	1,231,894
1922	1,277,946	1928	1,353,305

Figures mean little to most of us. However, in placement work mere numbers are important, whether we have the highest technique shown in the actual placement or not. It is a vital fact that large numbers of workers can be transferred in increasing numbers each year without cost to themselves. The mere increase in the numbers is not a clear proof of the excellence of the work but it is a good indication.

Organized by Trades

The most unique feature of the public employment service in the Seine department is **that offices are organized by trades and not by districts.** There are twenty-five bureaus, most of them in Paris. In New York City, at the time of the greatest development of our public employment service, the plan was to have geographical rather than trade divisions.

The French system has certain points in its favor which appear to counterbalance the disadvantages of applicants having often to travel long distances to get to the bureau. The first advantage is that one can **more readily develop effective placement workers,** if their function is to specialize in only one trade rather than to have a little knowledge of many. Second, centralizing each trade in one bureau greatly **simplifies the problem for the employer,** who has only one office to notify of his wants. The needs for clearance are also eliminated. Third, **the movement of workers from one section of the country to another is simplified.** Fourth, **it is easier to secure a cooperative committee** such as the French have for each bureau when the classification is by trade. A man is more willing to give up an afternoon regularly each week to his own trade interests than for more general interests.

In Paris we find the following offices for special trades:

Furniture
Building
Retail stores (men)
Druggists

Butchers	Domestics
Chauffeurs	Hospital attendants and nurses
Hairdressers	Electricity
Leather trades	Clothing trades
Grocers	Restaurants and hotels
Metal trades	Theatrical and musical
Other professions	Paper boxes
Stenographers and salesladies	Technicians (engineers, designers, etc.)
Unskilled workmen	
Confectioners	Footwear

Of these bureaus I visited four. The card system was the same in each but each bureau had a distinct individuality tempered by the individuality of its director.

Theatrical Agency.

The agency for "Artistes, Dramatiques, Lyriques et Artistes Musiciens" is located at 23 Rue d'Argentauil, in the theatrical district. The bureau has none of the drab appearance of the usual public employment bureau. The rooms were all papered in modern designs and the woodwork painted in gay colors. The director has a private office which is stylish and gives one confidence in the prosperity of the organization. There is an audition room with a piano and a library of musical scores. The director, formerly an actor, is well acquainted and connected in his profession. He realizes that publicity for his bureau must be secured personally and by good service. Paris, like New York, is full of actors and actresses out of work—many of them utterly unprepared or not qualified for the stage. They are accustomed to being exploited. In fact, when the commercial employment law was changed recently and fees were no longer permitted from employees, an exception was made for the actors. The main function of this bureau is to supply artists for other parts of France than Paris. In fact, they send artists to Canada, the United States, Morocco. The abuses in sending actors to other countries are of course manifold and this director quite sincerely seemed to feel that public employment bureaus could eradicate many of them. From January to June, 1929, only 800 were placed, but the busy season comes in September when the numbers will probably be much increased. We saw an audition. Singers were being tried out for a small provincial musical stock company. The managers were seated comfortably. The singer came in with his accompanist, an employee of the bureau. The first singer proved to be too "high brow." Later another singer, after long discussion with the manager, consented to the contract. The bureau is independent of the terms of the contract. I cannot imagine that the technique in any employment bureau could be more careful or individualized than it is here.

Restaurant Bureau.

In contrast to this bureau is that of the "Restaurateurs, Limonadiers et Hoteliers" at 2 Bis Rue la Jussière where the problem is one more of numbers

than of a highly technical service. Of 109,709 placements in one year 95,845 were only of short duration. This bureau is, however, one of the most important because of the strength of its organization and the knowledge of the trade by its large staff. Each department of hotel or restaurant work is highly specialized. For instance, a worker in a "bouillon" or in a "prix fixe" restaurant is not employed in one of the better class. A cook will not take work unless in a restaurant of a particular grade—there is a real aristocracy in this profession.

The hotel bureau is located near the public markets and many of the employers find it convenient to come in the morning to select people. The bureau opens at 7:30 A. M. The rooms, each for a specialized occupation, were crowded by 8 A. M. The employment worker calls out the positions as soon as the call is received over the telephone. The worker comes up and is sent out at once. The positions are not posted. Workers are seldom sent for as there is usually a large enough supply each day in the office. The personnel in this office were working with great speed, but did not appear to be brusque. There is a special statistical department connected with this bureau which analyzes and interprets its figures. The bureau does such a rushing business that a telephone switchboard has been installed. In France this is a real mark that business is active and the director points to it with real pride.

Clothing Trades Bureau.

The bureau "des Industries du Vêtement" covering all the clothing trades at 38 Boulevard de Sebastopol, is rather similar to the hotel bureau. It has many specialized sub-divisions, such as passementerie, tailoring, flowers, feathers and fur. As in all the bureaus the most highly trained do not seem to frequent the bureau, but those waiting for work appear to be of the medium and lower grades of workers. The unemployed must come to the bureau each day, but are occasionally sent for if they do not call. The clothing trades in Paris are seasonal just as they are in New York, but it is difficult to induce clothing workers to do any but their specialized work in the off season. This bureau is apparently used by all of the famous couturiers of Paris. The unemployed sit here in a large room separated from the personnel worker by a glass door. This system gives a certain privacy to the personnel worker and she can choose her workers rather than "calling" her positions. The clothing bureau places about 1,000 workers a month. In April, 1929, about 1,000 applied each week.

Bureau for Domestics.

The fourth bureau visited was that for domestics at 16 Rue de l'Abbaye. This department is not as flourishing as are the domestic bureaus in our American public employment bureaus. It is apparently the custom in Paris for the better type of domestics to use the commercial agencies or preferably to secure their positions through the butcher or grocer.

Office Personnel

My general impression of the personnel of the French employment bureaus is that they are very similar to those employed in

public bureaus in America. The offices in no cases seemed to be understaffed. These positions are generally not governed by civil service examinations. Most of the workers are appointed by the various departments or counties. They do not appear to be a group of college graduates. They are practical people, frequently recruited from the trade they represent. There were both men and women employment secretaries.

The technical work and organization is done by the executives, who appear to be men of the highest calibre and of excellent educational background. M. Fagnot, for instance, was for many years an industrial mediator and has a wealth of knowledge on industrial problems to bring to his work.

Publicity

The publicity work accomplished by the bureaus in the Seine district is quite outstanding. There are a great variety of posters used, some with colored illustrations. Posters are found in many of the Metro or subway stations. Most of the bureaus have their own circulars describing their special functions. They emphasize the following qualities:

"Free. Exact. Impartial."

One of the most effective methods of publicity is a placard changed daily, found in each bureau, like the following in the clothing bureau:

Placements effectues
Depuis 1 Janvier, 1929
6,380

Advisory Committees

Prof. Ed. Fuster, chairman of the joint committee of the Department Exchange, felt that **the most important feature of the French public employment system is the representation of the two parties on the committees of each employment bureau. He said that this experiment of having employers and workers on the committees advising the bureau was a practical one. The meetings are full of interest to both parties. He felt that these committees were the most progressive and the richest in results of all social experiments since the war.**

He deplored the fact that France has as yet done so little in the field of vocational guidance or juvenile placement. He feels that it will not be long before such departments will be initiated.

Prof. Fuster said that as in all public work there was not uniformity in the quality of the bureaus, particularly in the provinces. "A bureau is as good as its chief." In many small towns the bureau is a dead letter. But on the whole he was distinctly optimistic. He said he considered the success of the Paris public employment bureaus phenomenal. He concluded: **"In no other domain has France shown its ability for organizing so practically and so logically."**

Impending Disasters Cast Their Shadows Before

"I hear papa walkin' up the stairs very slow, so don't ask him if he got a job"

—New York World

A Superior Book on Unemployment Insurance

By Olga S. Halsey

An Englishman, Ronald C. Davison, has written an exceptionally good book* on unemployment. This able and readable account of the evolution of British policies for the relief of the unemployed offers American readers the fruits of British experience on remedies which we have only begun to think of applying.

Changing conceptions of unemployment, from that of personal shortcomings to be met by deterrent poor law policies to that of an industrial hazard to be met by unemployment insurance, are traced. The major portion of the volume is devoted to the modern device of unemployment insurance, its expansion and alteration to meet the needs of the post-war depression, the subsidiary relief works and the auxiliary methods of improved industrial training and redistribution of workers. This large body of material is handled with an admirable absence of unnecessary detail and with a lively appreciation of the relative merits of alternative policies.

The author is refreshing, both in his estimation of the achievements of the British unemployment insurance which bore the brunt of the relief during a period of "unexampled stress" when "the worst ravages of poverty were kept at bay" and in his constructive criticism. The author's most valuable contribution is his wholesome reaction from the exclusively industrial aspects of unemployment to a consideration of the defects of individuals which lessen employability.

Because of his realization of the different classes and needs among the unemployed, he urges that unemployment insurance, designed for the temporary aid of regularly employed workmen, is not appropriate as the sole method of relief for the unemployed in decadent industries or for those chronically out of work. As provision for temporary subsistence for all classes of the unemployed, the author's telling analysis points to the superiority and economy of unemployment insurance as compared with relief works; but in the necessary cases unemployment insurance, he urges, should be supplemented by industrial rehabilitation. However, in a country suffering temporarily from a surplus of workers, the only cure for the unemployment of marginal employees, is the revival of industrial activity.

The author's work is marked by an extraordinary openmindness, by constructive criticism, by an unflinching facing of the facts, by sympathy and understanding of the tragedy of the unemployed combined with a knowledge of the administrative problems of unemployment insurance. **It is by all odds the best book on unemployment insurance that has yet appeared.**

*The Unemployed: Old Policies and New. By Ronald C. Davison. London, Longmans, Green and Company, 1929. 292 pp. 10s. 6d.

Employment Exchanges Needed

By Royal E. Montgomery
University of Texas

NEED for a federal-state system of employment bureaus has been obvious to students for many years. The remarkable thing is the capacity for lethargy sometimes displayed by units of the government.

It is now hardly necessary to point out that such exchanges would lead to the establishment of public offices in laggard states, strengthen and extend work done by existing offices and, in a word, coordinate the service by a view of the national situation as a whole. It would also establish districts not limited by state boundaries and deal with the transportation difficulty involved in adjusting the supply of labor to the demand for labor.

Several circumstances conspire at the present time, however, to make unusually pertinent discussions of the need of an adequate system of employment exchanges—as well as of endeavors to make public work a more effective "prosperity reserve." The Wagner bill (S. 4157) was before the past Congress, and its failure to be enacted into law was due more to apathy than to outright opposition.

Other immediate conditions create an imperative demand for a federal-state system of employment offices. The decision in the New Jersey case[1] will deter to a certain extent—perhaps considerably—the attempts of states to regulate further the private agencies, although it should have the opposite effect. Even should all states conform to the conditions of eligibility for grants under the Wagner bill, we probably cannot get along without the private exchanges. And it would be unfortunate were there to be any relaxing in the efforts to level up the regulatory standards of the various states. But the best protection against the evils accompanying private profit-making agencies will not be state legislation, but a system of federal aid contingent upon state appropriations and state maintenance of specific standards.

Experience in recent months has brought home to us once more our lack of any satisfactory statistics on the extent of unemployment. Perhaps it is gratuitous to mention the misleading manner in which

[1] Ribnik v. McBride, 48 Sup. Ct. 545.

the United States bureau of labor statistics' index of the trend of employment has been employed in some high quarters. All this should help to educate public opinion to what has been reiterated often by students of unemployment, namely, that there can be no inclusive statistics showing the amount of unemployment until we have operated an inclusive system of public employment offices.

A question one thinks of in connection with the so-called "prosperity reserve" bill is whether it would operate in the direction of removing the competition of government undertakings in times of prosperity to as great an extent as is desirable. The bill itself provides merely that construction work may be undertaken when the volume of general construction throughout the United States has fallen ten per cent for a three-months period below the average of the three preceding years. The indirect effect of the prosperity reserve appropriation, however, would probably be to deter government work, to an extent at least during periods of more abundant employment.

The possibilities of providing a wider geographical dispersion of work than can be had under local relief projects, of hiring workers on the basis of efficiency and paying standard rates, and of having an administrative organization, already established when depression comes, are sufficient to make the plan profoundly worth trying.

Mayoralty Candidate Adopts Unemployment Plank

IT is perhaps indicative of the widespread public sentiment in favor of adopting the **long-range planning of public works** as a means of preventing unemployment, when this proposal is made material for a mayoralty campaign speech. Mr. La Guardia, in accepting the Republican nomination for mayor of New York City, made it one of the labor planks in his platform. "An efficient administration must be prepared and equipped to meet an unemployment crisis at any time," said Mr. La Guardia. "This can be done by providing for public improvements of secondary urgency, to be put into effect immediately upon the occurrence of an emergency or crisis." The candidate also pointed out the need for better public employment bureaus and for stricter supervision of private employment agencies in New York City.

Old Age Pensions in British Columbia[1]

By E. S. H. Winn

Chairman, Old Age Pensions Department, British Columbia

THE Old Age Pensions Act was passed by the government of Canada on March 31st, 1927. Under that act provision is made that an agreement may be entered into between the Dominion government and the government of any Province, whereby pensions are made payable within such Province. The effect of this legislation is that a continuing offer is held out by the Federal government to any Province that wishes to avail itself of the provisions. The Federal government reimburses such Province for one-half of the total cost of the pensions. The administration is provincial and the cost of administration is borne by the Province.

The Province of British Columbia was the first to take advantage of the provisions of the act. The pension law was brought into force as and from September 1st, 1927. The Province of Saskatchewan put the law into effect on May 1st, 1928, and the Province of Manitoba on September 1st, 1928. The Provinces of Alberta and Ontario have already passed enabling legislation while Nova Scotia is now considering like legislation.

An application may be submitted by any person who is a British subject by birth, marriage, or naturalization, or, being a widow, who is not a British subject, was such before her marriage; has attained the age of seventy years; has resided in Canada for the twenty years immediately preceding the date of proposed commencement of pension; has resided in the province in which the application for pension is made for the five years immediately preceding the said date; is not an Indian as defined by the Indian Act; is not in receipt of an income of as much as three hundred and sixty-five dollars a year; and has not made any voluntary assignment or transfer of property for the purpose of qualifying for a pension.

Documents admitted for the purpose of proving an applicant's age include certificate of birth, or certificate of baptism, certificate of marriage showing age, certificate of service in any of the military forces, certificate of naturalization or entries in a family Bible or other genealogical record or memorandum of the family. Satisfactory proofs of age, property, income and nationality are required before a pension award is made.

[1] Address, Mid-year meeting, American Association for Labor Legislation, San Francisco, July 1, 1929.

Proof of residence in Canada for the period of twenty years immedately preceding the date of commencement of pension and proof of exact period of residence in the Province where application is made are essential in determining the eligibility of the applicant and the amount of pension payable. Sworn declarations by neighbors are usually accepted as proof of residence.

The law provides a maximum pension of $240 per year. That pension is paid in the first instance by the Province in which the application is made. If the applicant has resided in one Province for the whole of the twenty years prior to making application that Province pays the pensioner twenty dollars a month and is reimbursed by the Dominion government quarterly for half the total sum paid. If the applicant has divided his residence between two Provinces in both of which the act is in effect, the pension in the first instance is paid by the Province in which the application is made. The other Province in which the applicant resided a portion of the twenty years in turn reimburses the paying Province for the portion of residence in such other Province.

If an applicant claims pension in a Province having the act in effect, but has resided for a portion of the preceding twenty years in a Province not having the act in effect, the pension payable is reduced by the same proportion as the duration of the pensioner's residence in such other Province bears to twenty years. Until all the Provinces adopt the act, only those applicants who have resided in British Columbia, Saskatchewan and Manitoba for the past twenty years receive the maximum pension. The others receive amounts proportionate to the number of years they have resided in those three Provinces, the minimum Provincial residence qualifying for a pension being five years. Pensions, consequently, are anywhere from five to twenty dollars a month unless reduced by reason of other income.

For the purpose of the law real and personal property of an applicant are deemed to earn income at the rate of five per cent per annum. Any income in excess of $125 per year reduces the pension payable accordingly. Consequently, an unmarried applicant may retain $2,500 in real and personal property without reducing the amount of his or her pension. One-half of the joint income of an applicant and spouse is calculated to be the income of each of them under the act. A married couple between them may

retain property to the value of $5,000 or have a joint income of $250 from other sources without reducing the maximum pension of $20 each per month. The pension authority under certain circumstances is entitled to recover out of the estate of any pensioner as a debt due by the pensioner the total sum of the pension payments made, together with five per cent interest.

By May 1st, 1929, the act had been in effect for twenty months. During that time 5,063 men and women had filed applications under it, and 3,935 were in receipt of pensions. Of the remainder, 278 had been found to be ineligible by reason of inability to qualify as to residence, nationality, age or income. Thirty-one applications were withdrawn; 525 applicants had died after filing claims, and 294 applications were in the process of being completed as to proof of eligibility. The death rate among pensioners is naturally high, being over one per cent per month. The average duration of a pension based on mortality table adopted by the Federal government will probably be about seven years. By reason of the residence clauses and limitation as to outside income, the average pension is $18 per month, so that it may be assumed that the statute will provide in the neighborhood of $1,500 for the average pensioner. The average age of pensioners on the present list is 75.4 years.

In 1891 British Columbia had less than 100,000 in population. Since that time it has grown to more than seven times that number. The population has trebled in the past twenty-five years. As is the case with most new countries it is still primarily a young man's province. British Columbia has still considerably fewer than its natural quota of persons who have reached the age of 70 years. This will be seen from the figures revealed by the last Federal census taken in Canada in 1921. The Eastern Provinces in Canada, like the Eastern states in the United States, contain a higher percentage of aged people. Coming from East to West in Canada the percentage of people over 70 in 1921 by provinces was as follows:

Prince Edward Island, 6.02; Nova Scotia, 4.73; New Brunswick, 3.85; Quebec, 2.71; Ontario, 3.49; Manitoba, 1.69; Saskatchewan, 1.16; Alberta, 1.17; British Columbia, 1.84.

It will be seen that the five most easterly provinces have an average of 4.18 per cent of their population over 70 years of age, while the average for the four westerly provinces is only 1.46 per

cent. The problem, consequently, of financing old age pensions is relatively an easier one at present in the West.

It has been estimated that slightly over 50 per cent of all residents of British Columbia over 70 years of age have applied for the pension. Married men outnumber married women on the list by two to one, and more than four times as many bachelors as spinsters have applied. On the other hand, slightly more widows than widowers are in receipt of pension.

The country of birth of the persons in receipt of pension in British Columbia is as follows:

Canada, 42.3 per cent; England, 34.5 per cent; Scotland, 10.3 per cent; Ireland, 4.6 per cent; United States of America, 3.3 per cent; British Possessions, 2 per cent; foreign, 3 per cent.

The estimates for the current year provide for $1,000,000 being spent for pensions in British Columbia. One-half of that sum, of course, is reimbursed to the Province by the Federal government. Administration costs are relatively low. The act was administered during the year 1928 at a cost of $11,413.82, or an administrative cost of 1.55 per cent on the amount of $736,410.68 paid out in pensions. The administration is carried out by the Workmen's Compensation Board, which body also administers the Workmen's Compensation Act, the Boiler Inspection Act, Electrical Energy Inspection Act, and its members in addition constitute three of a body of four commissioners which administer the Mothers' Pension Act. By consolidating the administration of these various pieces of social legislation under one management overlapping is avoided and a prompt and economical service has resulted.

By adopting a non-contributory scheme of old age pensions Canada has abandoned the theory that relief should be given only on grounds of destitution. It aims to extend relief to all who can qualify under the law. The funds come entirely out of public taxes. The pension is intended to carry with it no slur on those benefited. **The acceptance of it is not unlike the practice of attending an endowed university or a government public school or patronizing a public library provided out of public revenues.**

When men and women are approaching the age of 70 the transition from independence to dependence is inevitable for a substantial percentage of our population. Through ill advised investment they find their property gone, friends have passed away or removed,

relatives are few, sons and daughters are scattered or are busily engaged in rearing their own families. With ambition collapsed the remaining few years of life are far from encouraging to contemplate. With loss of health and hope many faithful workers are swept into the unemployment and inevitable dependence on public assistance. The demand for younger and more active workers for modern industrial pursuits renders it increasingly difficult for aged people to secure work even at a low wage. Being trained for occupations which no longer exist coupled with waning adaptability they are victims of circumstances largely beyond their control. Old age pensions are intended to remove in part at least the haunting fear of want from the minds of those who are passing into the twilight of their lives. The question of whether they made the best use of their talents during their maximum earning years is not the deciding factor. The "fact" of the dependent condition, not the determinating of "fault", underlies this type of remedial social legislation.

New York Pension Commission Hearings Begun

THE New York Commission on Old Age Security has held its first hearings on the subject of old age pensions.

The nine members of the commission were appointed by the president of the Senate, the speaker of the Assembly, and the Governor. Senator Seabury C. Mastick, who in 1929 introduced the standard old age pension bill into the legislature, is chairman. Other members of the Commission are: Frank X. Bernhardt, who was chairman of two previous legislative commissions studying old age dependency; Cornelius N. Bliss, merchant, director of banks and insurance companies, and philanthropist; Mrs. Sidney C. Borg; Father Thomas F. Farrell; James M. Lynch, former state industrial commissioner, and Bishop Francis J. McConnell. With a commission of this calibre, there is every reason to believe that now at last something will be done to provide New York with a progressive old age pension law.

Ever since 1922, the American Association for Labor Legislation, together with the Fraternal Order of Eagles, has carried on

a persistent campaign to arouse the State of New York to a realization that something should be done to provide for its aged poor. In this work, the Association has received the cooperation of public welfare and labor organizations throughout the state. During the two past years, the legislature has had an official commission studying state institutions for aged dependents. But the commission was largely political in its make-up, and its work produced no significant legislation.

The Association for Labor Legislation, in the meantime, has been demanding a genuine, adequate, official study of the non-institutional poor. Early in 1928 Governor Smith urged such an investigation. Likewise, in March, 1929, Governor Roosevelt sent a vigorous message to the legislature in which he insisted that a commission of experts be found to study the problem. The result is the present commission.

At the commission's first hearing on September 17, Mr. E. S. H. Winn, chairman of the British Columbia Compensation and Pension Board, was introduced to the commission by the Association for Labor Legislation and he described the experience of his Province in administering the Canadian old age pension act. He emphasized the simplicity of administration, pointing out that it was much less difficult to carry out the provisions of a straight old age pension law than to administer the workmen's compensation law. Mr. Winn also told the commission that in British Columbia the pension law was administered by the same board which administers the workmen's compensation act, thus avoiding a great deal of duplication. Old age pension legislation has proved successful in Canada, and Mr. Winn showed himself to be enthusiastic over its benefits.

The New York Commission on Old Age Security has made a good beginning. It is now of vital importance that its progress be rapid, so that the commission's report and especially its recommendations shall be available at the beginning instead of well on toward the end of the legislative session at Albany.

"No greater tragedy exists in our civilization than the plight of citizens who find themselves, after a long life of activity and usefulness, unable to maintain themselves decently."—*Franklin D. Roosevelt.*

California Adopts Old Age Pensions[1]

By Esther De Turbeville

California Department of Social Welfare

THE poet who sang "Grow old along with me, the best is yet to be," and that more ancient bard who wrote the stately phrase, "The hoary head is a crown of glory," lived in the days when life flowed like a peaceful river to its allotted end.

In the stress of twentieth century living conditions the hoary head too often is regarded by society as a burden and to its owner is a source of anxiety. In the modern world with its madly insistent slogan, "Speed up!" there is little regard for the older man and woman whose methods of work are more leisurely. They are swept aside into quiet eddies whence they gaze upon the rushing stream of life, somewhat bewildered and altogether saddened by realization that they are considered useless. Many of them are still capable of contributing to the world's work and they feel bitter about the age limit or "dead line" in industry which shuts them out of employment.

In an article on old age insurance, John Lapp, a former president of the National Conference of Social Work, says: "It is the irony of fate that while life has been lengthened, the working period has been shortened and thus a longer stretch of old age dependency results."

So serious has the increase in the number of aged dependents become, that social workers throughout California have been seeking ways and means to meet the problem. In San Francisco, a special department in the Bureau for the Handicapped was created for the old people who asked for odd jobs. Workers are paid by the hour for gardening, house cleaning, sewing, or such other work as they may be able to do. Analysis of one hundred applicants to this bureau showed that the chief handicap of these people was age. They had been ignored or refused at regular employment offices because of age limits set by employers. Employment offices do not

[1] Address, Mid-year Meeting, American Association for Labor Legislation, San Francisco, July 1, 1929.

care to register men and women past middle age. Some of the men are trained and skilled workers and their years of experience—which should render them more valuable—are, by the irony of fate, counted against them.

The California legislature of 1927, while considering a bill for old age pensions which had been introduced at that session, decided to learn the facts concerning the care of aged people in their own state, and at the same time to collect information regarding old age laws in other states and countries. Accordingly, an act was passed requesting the California department of social welfare to make such a survey, collect information and present a report to the 1929 legislature with recommendations as to the system of old age pensions best suited to the conditions as found in the state.

The department made this survey during 1928 and presented its report the following year, together with the draft of a proposed law which should grant state aid to needy aged persons under a system similar in many respects to the administration of the so-called "mother's pension."

This bill passed both houses of the 1929 legislature just before adjournment. It is not effective for payment of aid to the old people until January 1, 1930. Administration is placed within a division of the state department of social welfare. This new division is to be created and known as the "division of state aid to the aged." The maximum aid to be granted is $30 per month to citizens who have resided in California for fifteen years, are seventy years of age and in receipt of an income less than $1 per day. Payment is made by the county and the state refunds one half of the amount expended.

The legislative history of this act was said by legislators to be unusual. **It had no opposition on the floor of either house and its passage was accompanied by applause.** There were debates in committees but all questions were answered by the facts collected and printed in the report made by the state department of welfare, which had been sent to every member of the legislature.[1] There had been an educational campaign made by the Fraternal Order of Eagles throughout the state, and many of the members of the legislature had gained personal knowledge of the problem by having

[1] Reviewed in "California Rescuing Her Aged," *American Labor Legislation Review*, Vol. XIX, No. 1, March, 1929, pp. 68-73.

instances of old age dependency in their own home communities brought to their attention.

The report gave a statistical analysis of facts surrounding the old people's histories, as secured in the survey. Commenting upon the various reasons given by them for old age dependency, this statement is made: "The most frequent complaint was that no one wanted to give them work; that they were able and willing but on account of age they were denied the opportunity to earn. Falling out of active work at 50 or 55, either from sickness or a lay-off, they have tried persistently to get back into a job—but in vain; living upon savings soon eats up the small capital laid by for old age, so that by the time they are 65 they are penniless and discouraged. This experience was recounted by both men and women."

California's new law will assist those who are now too old to work or to enjoy the benefits of any old age insurance system, but the survey worker was impressed by the oncoming army of those between 50 and 70 years of age who are living unwillingly in enforced idleness and who ask not for aid but for a chance to work. Their problem is still unsolved.

Needless Noise Nuisance

WE are glad to note that our year's campaign against **"needless noise nuisances"** is bearing fruit. The New York *World* is publishing a series of articles on the subject and the Chief of Police and the Commissioner of Health are interested. Incidentally, City College is now tearing the roof off of its beautiful new twelve-story building opposite our headquarters in order to put eight more stories on top of it—before the building had registered its first annual crop of students! If the city officials will 'phone us—between falls of broken brick down the long wooden chute—we will converse with them about this particular needless noise nuisance.

Pensions for the Oldest[1]

By Irene Osgood Andrews

IN the two papers on old age pensions by Mr. Winn and Miss De Turbeville (printed elsewhere in this issue) we are fortunate to be able to draw upon valuable and much needed American experience.

The excellent state-wide study made by Miss De Turbeville into the necessity for old age pensions in California revealed the inadequate and often inhuman treatment given old folks, and it illustrated again the great advantage of even a small but regular financial allowance. The bill for state aid, with the exception of the voluntary county acceptance feature, followed closely the provisions of the "Standard Bill" of the American Association for Labor Legislation and the Fraternal Order of Eagles, and upon their insistence the measure in California was amended before passage to make it effective through the compulsory provision upon all counties.

In Canada the unit of administration is much larger than in any of our states and this feature needs careful consideration in planning elsewhere for effective administration.

Speakers on old age pensions refer to increased difficulties when employers refuse employment to those beyond middle age. Up to forty or forty-five the average working man has had to use his earnings to provide for the current needs of his family and to educate his children. As a rule it is only after forty-five that he can begin saving for later years. Deprived of steady work during these "saving years" there is little hope of his putting away an adequate amount for old age.

The problems of these two periods must be met by different means. Between forty-five and sixty-five or seventy the remedy for dependency lies in adjusted employment, supplemented if necessary by sickness and unemployment insurance. After sixty-five or seventy there is little chance for any program of "rehabilitation." It is also too late to join in any contributory system of insurance for the period of steady employment is past. At this age, the remedy becomes one of public financial help to aged dependents.

[1] Extract from discussion, Mid-year Meeting, American Association for Labor Legislation, San Francisco, July 1, 1929.

Investigations and experience show that our most immediate problem is to provide some regular public pension for those in the most advanced age group, and in the meantime to give serious study to the more complicated problems of employment and insurance for those in the lower age group.

Conference on Old Age Pensions

AN important function of the American Association for Labor Legislation is the bringing together in conference of those interested in problems arising in its special field. On September 16 the Association arranged a luncheon meeting in New York City in honor of Chairman E. S. H. Winn of the Workmen's Compensation and Pension Board of British Columbia. Mr. Winn has had unique practical experience in administering in a unified system the accident compensation, the mothers' pension and the old age pension laws.

Other guests of the Association were representatives of prominent organizations interested in social legislation, including: Bailey B. Burritt, Association for Improving the Condition of the Poor; Adelaide A. Buffington, Social Welfare Council; Ernest Draper, Treasurer, Hills Brothers Co.; Edith Shatto King, Women's City Club; Deputy Commissioner Jerome G. Locke of the United States Employees' Compensation Commission; Maud Swartz, Women's Trade Union League and the State Federation of Labor; Nelle Swartz, State Industrial Board; Mary Van Kleek, Russell Sage Foundation; I. M. Rubinow, author of "Social Insurance"; and Lillian Wald, Henry Street Settlement.

Chairman Winn declared that simplified organization avoids over-lapping, and has resulted in prompt and economical administration. He was outspoken concerning the beneficial results of the old age pension plan in the two years it has been in operation in British Columbia.

On the following day Mr. Winn and the Secretary of the Association, John B. Andrews, appeared upon invitation at the hearings of the New York State legislative investigating commission, which is studying old age pension problems under the chairmanship of Senator Seabury C. Mastick.

Old Age Pension Legislation

DURING the first three months of the present year, 10,558 people in British Columbia, Manitoba and Saskatchewan received $1,928,277 in **old age pensions** under the Dominion act.

A RESOLUTION was introduced in Congress providing for a committee to study modern methods by which practically all advanced nations afford constructive **relief to the aged poor.** Introducing this bill, Representative Wagner said "We stand alone among the industrial nations without any constructive system of care, except the wretched confines of a poorhouse, for our aged and destitute men and women who have built up our great wealth and prosperity through long years of toil. * * * Old age pensions laws are bound to be adopted throughout the United States in the next ten years, because they are just."

ANDREW ROWAN, an able laborer in one of Pittsburgh's largest glass factories and the father of nine children, was recently **discharged because he had reached the age of forty-five.** His dismissal is but one of thousands, indicative of the bad policy in industry. In comment, the *Trades Union News* points out that while the new tariff law has brought increased protection to glass factories, the aging and faithful worker has no means of protection.

AN article in the *Iron Age* last spring criticized old age pensions on the ground that they encouraged pauperism, that pensions were inadequate, and that they had "other weaknesses." The contributory pension plan, it stated, seeks to eliminate the pauperism factor, but administration would be difficult, and all-in-all "the question is still quite remote from practical consideration." No solution is offered and it is evidently concluded that rather than run the risk of possibly encouraging pauperism, a large number of aged dependents should remain uncared for. The fact that the states and countries which are paying old age pensions have found them to be the best answer to the problem, the most economical, humane and administratively simple, is also disregarded.

"NEWSPAPERS are printing much just now about the care of old folks. You may be surprised to know that there are 77 homes for the aged in New York City and that although these homes are now taking care of more than

10,000 men and women nearly all of them have long waiting lists. In addition to this the family service agencies, churches, and other social organizations are giving assistance to at least 3,500 dependent or partially dependent aged persons.[1] How many more old men and women—somebody's parents, brothers or sisters—are dependent on the community for a meager existence no one knows."—*Edith King, Information Secretary of the Welfare Council.*

"The American Labor Legislation Review finds that old age pension bills were introduced in the legislatures of twenty-eight states, in sessions just closed or closing. California, Minnesota, Utah and Wyoming have passed such laws this year, which makes ten states (in addition to Alaska), now having old age pension legislation. * * * This is encouraging humanitarian progress. If it continues, the United States may cease to be classed with China and India, as one of the three populous countries without old age pensions."—*Wheeling (W. Va.) Intelligencer.*

A recommendation urging the passage of **old age pension bills in New York and Connecticut** was adopted at a meeting of the "New York East Conference." The standard bill of the American Association for Labor Legislation was mentioned specifically as worthy of consideration. The Conference comprised about 285 churches in New York and Connecticut with a membership of 85,000.

A resolution urging all states to **enact old age pension laws** was adopted by the Volunteers of America, the late General Ballington Booth, president, on May 2.

A six page bibliography on "The Older Worker in Industry" has been published in the *Monthly Labor Review,* July 1, 1929, pp. 237-242. Articles in the American Labor Legislation Review were among those listed.

The California Old Age Pension Law

CALIFORNIA—the tenth state to provide a system of old age pensions for aged inhabitants—has enacted probably the best pension law in this country, according to an article published in the *Monthly Labor Review,* July, 1929. This new law, based upon the standard bill urged by the Fraternal Order of Eagles, the American Association for Labor Legislation and certain labor organizations, authorizes a pension of not over $1 a day to be paid to every needy person of 70 years of age and upwards who for fifteen years has been a citizen of the United States, and a resident of California.

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[1]See report on "The Non-Institutional Aged Poor," *American Labor Legislation Review,* Vol. XIX, No. 2, June, 1929, p. 193.

Administration vs. Politics!

In view of increasing interest in methods of securing effective labor law administration, the following recent developments in the two leading industrial states are illuminating.

I. Administration in New York

INDUSTRIAL COMMISSIONER PERKINS of New York has appointed V. A. Zimmer, of Buffalo, director of workmen's compensation. Mr. Zimmer has been with the New York Department of Labor for twenty-six years. During that time, first as a factory inspector and then for seven years as superintendent of the department's public employment bureau in Buffalo, he has demonstrated a high degree of ability in the administration of labor law.

In announcing the appointment, Commissioner Perkins said: "The appointment of Mr. Zimmer is a definite promotion for merit and is a recognition of the ability of people who enter state departments in the ranks of the Civil Service to rise to responsible executive positions. I am proud of the fact that I was able to find a director for the Workmen's Compensation Bureau within the department and that I was not compelled to ask an outsider, however able, to undertake to learn this complicated work before settling down to the business of good administration."

Here is an example of good labor law administration. It is an appointment based explicitly upon ability and experience.

II. Politics in Pennsylvania

The Philadelphia *Record* has reported the resignation of Charlotte E. Carr, director of the Women's and Children's Bureau of the Pennsylvania State Department of Labor and Industries. Miss Carr for four years had conducted the bureau in a statesmanlike manner. She gathered about her an able staff. Under her direction, numerous investigations were made concerning women and children in industry and industrial home work. The results of these studies were published in department bulletins. A number of women's organizations became interested in questions pertaining to working women and children largely as a result of Miss Carr's work, and continuously sought her advice.

Miss Carr resigned at the request of Secretary Peter Glick of the State Department of Labor and Industry. His request was

made despite protests from many civic and women's organizations. He has given no reasons for his action, and when the Consumers' League, as reported in its *Bulletin,* asked him to make a statement concerning the matter, their questions were ignored. But Secretary Glick's reasons are made known by those acquainted with Pennsylvania politics. Miss Carr, states the Philadelphia *Record,* was dropped for refusing to make campaign speeches during the recent presidential campaign. "She is an able orator" but "she declined to mix in politics." Furthermore, Miss Carr "refused to pay the three per cent campaign assessment levied on the salaries of state jobholders last fall with the tacit approval of the state administration." Miss Carr preferred to be an administrator, and not a politician. Therefore, Secretary Glick forced her to resign.

In Miss Carr's place, Secretary Peter Glick has appointed Sara M. Soffel, who according to the Consumers' League, has had no previous experience in industrial research. This Pennsylvania appointment was evidently based not upon special experience and training, but upon partisan politics.

Employment Agency Abuses

IN Philadelphia, a World War veteran, 35, penniless and desperate, killed the **fee-charging employment agent** who had cheated him out of his last five dollars. In comment, the Philadelphia *News* states that employment bureau work is too vital a matter "to be other than a state undertaking. * * * Pennsylvania should organize a complete system of labor exchanges, and sooner or later this will have to be done."

A letter to the St. Louis (Mo.) *Post-Dispatch* referred to the regulation of **fees charged by employment agencies,** and stated that "this is certainly something that should be looked into. Some of the agencies are charging as high as 60 per cent of the first month's salary and it must be paid in advance. Ten per cent is quite sufficient in most everyone's estimation." The writer argued that, instead of helping the worker, these agencies are a handicap.

The attempt of an ex-patrolman in Kentucky to **fleece applicants for jobs** of $2 fees, by pretending that jobs in connection with the construction of a new school building were vacant, met with a jail term of five months and a fine of $200. The building in question was nonexistent, and despite the bitterly cold weather one man had to pawn his overcoat to pay the agency fee.

Another Coal Mine Catastrophe

NINE men were killed outright and one was fatally injured by the explosion in the Connellsville mine of the Yolande-Connellsville Coal Corporation at Yolande, Alabama, on May 27. This was the only major mine accident between April 1 and September.

The mine was rock dusted only to a limited extent. Investigation showed that there had been an accumulation of methane gas which was ignited by electricity and the resulting explosion killed the ten men who happened to be in the immediate vicinity.

The 1928 report of the Chief Mine Inspector of Alabama points out that "for the first year in Alabama's coal mining history, no loss of life occurred in 1928 from gas or dust and for the same year the largest tonnage was produced per fatal accidents of all kinds." Significant is his statement that during that same year **"much progress was made in the matter of rock dusting and many operations began the application of this material."**

The disaster at Yolande again demonstrates that only by constant and continued attention to safety precautions can accidents be prevented. Rock dusting to be effective must be applied to all open accessible parts of a mine to within at least 40 feet of the working face and all non-working but accessible places should be kept well rock dusted throughout. The Connellsville mine was not.

Commenting editorially on the official report which definitely placed both cause and responsibility for this explosion, the Sheffield, Alabama, *Tri-Cities Daily* points out that "the department is going to insist that operators of coal mines not only be careful, but that they go to whatever expense is necessary to make the operation of their mines safe for the workmen who enter them. * * * It means that the issue has been put squarely up to the coal operators to quit having explosions or that they will have to pay the penalty."

The Connellsville tragedy should convince operators that adequate safeguards must be taken and maintained.

"WE haven't yet learned what we can do to prevent the awful loss of life due to automobile accidents, but we do know what can be done to prevent the loss of life due to coal dust explosions, although the attitude of indifference which results in the terrible disasters are a sad commentary on the value we place on human life."—*Otto W. Davis, Assistant Secretary, Community Chest, Cincinnati, Ohio.*

Preventing Coal Mine Explosions[1]

By O. F. McShane

Member, Utah Industrial Commission

THE story of rock dusting in Utah coal mines is one which unfolds readily and as a logical sequence of physical conditions encountered by our operators in the production of coal. Experience over a period of fifty years, supported by studies of practical mining men and safety engineers reveals definitely to those in touch with the industry that the catastrophe hazard in Utah mines is very great, if not the greatest in the United States.

Certain catastrophe hazards may be enumerated as having a direct bearing upon the wisdom of rock dusting, including rock dust barriers, which are installed for the purpose of arresting the propagation of an explosion and localizing its field of operation.

The following are the most important:

First—The long, steep and tortuous slopes which increase the hazard of wrecks from runaway trips. Such occurrences frequently throw vast clouds of fine coal dust into suspension and bring these clouds of dust into contact with electric arcs, initiating explosions and often with serious results.

Second—Extremely high coal rendering difficult: (a) Testing for gas; (b) Testing roof conditions.

Third—The extreme friability of Utah coal creating large quantities of fine coal dust distributed by air selection throughout the mine on timbers, ribs, roof, and floor.

Fourth—Extreme inflammability of Utah coal dust which greatly increases the hazard of explosion from "windy shots" or electric arcs.

Fifth—Atmospheric conditions: the air in the coal regions of Utah is extremely dry and upon being forced into our intake air courses because of its extreme dryness robs the face and other sprinkled areas of their moisture, thereby making it difficult to keep the moisture content of a rock dust—coal dust—water mixture at a point which renders such mixture inert.

Sixth—The rosin content of Utah coals increasing the ignition hazard and intensifying propagation when ignition has once taken place.

These matters were called sharply to the attention of the Utah people and in all their hazardous aspects by the Castle Gate disaster of March 8, 1924, which took a toll of 172 lives, widowed 115

[1] Address, Mid-year Meeting, American Association for Labor Legislation, San Francisco, July 2, 1929.

women and orphaned 257 children. Leaving out of the picture the community cost of more than $100,000 in private charity[1] and all humane, social and economic elements (the grief, the misery, and the change in the course of the lives of many) this one disaster cost the Utah Fuel Company in excess of $700,000 in compensation and perhaps another $150,000 to rehabilitate the mine. **This mine was not rock dusted.** There was not a place in the entire workings that was not damaged by the force of the explosion; no living thing survived.

The people were aroused. The Governor, being convinced that compensation payments under the Utah law were inadequate, called a meeting of citizens at the State Capitol which was largely attended by industrial heads. The purpose of this meeting was to devise ways and means of alleviating in a measure the misery, distress and privation left in the trail of this disaster. At this meeting a committee of prominent citizens was appointed to make a survey and recommendations. The preliminary work of the committee was done within a few days and at the site of the explosion. It was recommended by this committee that at least $100,000 be raised by public subscription to alleviate the hardships and suffering of the surviving members of the families of those who died. This was done and the Castle Gate Relief Fund Committee was appointed to administer the fund. This committee is still functioning and doing splendid work in looking after the surviving dependents.

Immediately the coal operators were called into conference with the Industrial Commission, representatives of the United States Bureau of Mines and our Inspection Forces. Every company in the state responded. The object and purpose of said conference being to devise ways and means of preventing a recurrence of catastrophe. Specific recommendations were made by the Industrial Commission after which the members of the commission withdrew from the conference and left the coal operators and the other conferees to either subscribe to the recommendations as submitted or to alter and amend said recommendations and submit the result of their labor to the commission for its action. It is to the credit of these operators that in every particular the recommendations of the Industrial Commission were subscribed to and in almost every instance the commission's recommendations were approved without

[1] See "Community Cost of Coal Mine Explosions." *American Labor Legislation Review*, Vol. XIV, No. 2, June, 1924, p. 121.

change. These recommendations were whipped into proper shape and on April 8, just one month after the disaster, what is known as Supplement to General Coal Mines Safety Orders was adopted by the Industrial Commission and since that time have under our law had prima facie the force and effect of statutory provisions[1].

There were eleven important orders in all issued in this supplement, each of which is so closely related to all other orders that they are inseparable and any one of said orders standing by itself and alone would be of little value in protecting the lives of the coal miners of Utah. The orders dealing with rock dusting and rock dust barriers are listed as Nos. 4 and 5 in said Supplement and read as follows:

"(4) Rock Dusting: All main entries and slopes of coal mines in Utah shall be rock dusted from the mine opening into a point designated by the State Mine Inspector. Intake air courses shall be rock dusted at least into the most distant points, where freezing takes place in the coldest weather. Whenever, by analysis, the rock dust material in any part of a mine so treated, shows a total incombustible content lower than that determined as necessary to render the coal dust inert, the section in question shall be fenced off, or the mine closed until sufficient inert material has been added to allow of safe operation.

"(5) At every opening from each working panel or level connecting to any other level or panel, entry or slope, there shall be installed rock dust barriers so placed that an explosion originating in that level or panel cannot extend to other parts of the mine. These rock dust barriers shall be of a type which has been tested and approved by the United States Bureau of Mines and shall be correctly installed."

We deem these orders very important but we do not wish to be misunderstood. Rock dusting and rock dust barriers standing alone, without the support of the other orders in the supplement, would be of little value in protecting the lives of coal miners in Utah or, in our opinion, in any other state where the physical conditions are similar to our own. In fact, such orders when standing alone might lead to a false sense of security upon the part of the management and the workmen alike and, in fact, be a means of creating conditions which would increase the catastrophe hazard rather than diminish it.

The following will perhaps be of interest to those present and

[1] Sub-section 10, Section 3076, Utah State Industrial Act: "All orders of the commission in conformity with law shall be valid and in force and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose pursuant to the provisions of this title or until altered or revoked by the commission."

indicate to you the seriousness of the problem confronting the Utah Industrial Commission in dealing with the catastrophe hazard in our coal mines:

(a) Where no explosive gas is present it is necessary to keep incombustible materials in excess of 50 per cent to prevent coal dust ignition from blown out shots.

(b) With 1 per cent gas in the air it is found that Utah coal dust will propagate explosions started by a blown out shot when total incombustible in dry coal dust—rock dust mixture is around 75 per cent.

(c) One of the uncertainties in connection with rock dusting in mines has been the condition brought about in haulageways rock dusted as to ribs, roof, and floor but with an accumulation of dry and particularly fine coal dust along the floor between and just outside the track rails; this dusty condition being very severe in haulage entries, on intake air courses, with loose cars or cars highly topped, or with variable grades or curves, resulting in much bumping of the cars.

(d) Utah coals are probably the most inflammable and Utah coal dust the most explosive of any in the United States.

(e) The occurrence of rosin in Utah coals very greatly intensifies danger of both starting and feeding an explosion in any Utah mine where by air selection it is allowed to settle and accumulate on ribs, roof, timbers and floor.

(f) The management of any Utah mine which makes gas even to a small extent has to use extra precaution as to watering, rock dusting and dust barriers, as well as to keep the explosive gas thoroughly diluted. This last precaution is necessary as it is found that an explosion started from accumulation of a body of explosive gas is more likely to propagate an explosion than if started from a blown out shot and coal dust.

(g) While a very dense cloud of very fine dust is required before there can be ignition by open light or electric arc, yet there is absolutely no doubt that such ignitions take place where absolutely no explosive gas is present. (Dolomite Explosion, Alabama, 1922, killing 90 men; Dawson No. 1 Explosion, 1923, killing 121 men; started by clouds of dust on intake air courses.)

(h) Where no permissible electric equipment is used in Utah mines extra precautions are indicated as to watering, rock dusting, and ventilating and these precautions should be taken even though explosive gas is not found. While it seems wise to adopt 50 per cent as a safe minimum incombustible to prevent dust ignition where no gas is present, such for instance as on intake entries, haulage roads, and other places on intake air, it would seem wise to raise this to from 55 to 60 per cent in order to have a reasonable factor of safety.

(i) Where gas is present it would seem that from 13 to 14 per cent additional incumbustible should be used for each per cent of explosive gas in the air.

(j) The amount of incumbustible can be materially reduced by means of watering. It would seem advisable to use water in and around the face to a point where the coal dust, rock dust mixture is practically saturated. This would require from 15 to 20 per cent moisture. When the desired moisture content has been reached the coal dust—rock dust—water mixture will ball in the hand on light pressure.

With a picture of our Utah conditions before you and a knowledge of the remedies applied by the Utah authorities to overcome them, you are further advised that we are disabused of the idea that we have the situation thoroughly in hand and have no fear of further and even greater catastrophe in the future than we have had in the past. Should operating methods remain as they were at the time of the adoption of our Supplemental Orders, and we could rely upon 100 per cent co-operation from the general management of the coal companies; of the honesty of those directly in charge of mine productions as well as the efficiency and loyalty of our own inspectors, then I would say that we had the situation well in hand and that the probabilities of further catastrophe were very remote. However, unfortunately such is not the case. The general management are very anxious to produce cheap coal. In order to do so expense has to be held down to a minimum. The order for cheaper and cheaper coal goes from the general management to those in charge of production. Jobs depend upon a reduction of the cost per unit mined. They want to hold their jobs. Safety becomes a secondary consideration and cheap production primary. *There is our first danger.*

The unsatisfactory situation in our bituminous fields regarding the number of days per week that mines work has the effect of causing the coal diggers themselves to disregard the ordinary safety precautions which they would observe were they employed five and one-half or six days per week. In their anxiety to produce a large tonnage on days the mine works, they also regard safety as of secondary importance. While it is true that a careful man is the greatest safety factor in any employment, coal diggers who are only offered an opportunity to work on an average of four days per week or less cannot qualify as such, but on the contrary are themselves hazards. *There is our second danger.*

Parenthetically I wish to make an additional statement regarding the conditions created by the unsatisfactory term of employment of our coal mines. Where the mine is idle from two to four days out of seven, the physical hazards in the mine cannot be as closely checked and the mine kept in as safe a condition as would be the case where the mine operated every day. This condition affords an opportunity for caves to disarrange air coursing and result in gas accumulation. The caves may also disarrange

electric installations and simultaneously ignite gas pockets with its attendant hazards.

As officials, we are not always sure of the integrity of our inspectors. We have thus far been fortunate in the matter, but we realize that we are dealing with the frailties of human nature and that occasionally weakness of the flesh develops, and where least expected. *There is our third element of danger.*

Of the foregoing dangers we are fully advised and therefore they may be more readily and more intelligently dealt with than the *fourth danger* confronting us, that of changing methods of mining. Our mines are rapidly becoming machinized. These machines that are taking the place of so many men are driven by the most dangerous element with which we deal—electricity.

Whenever electrically driven machinery is placed in a mine you increase your catastrophe hazard. Especially is this true where the electrical equipment used is not of the permissible type. Unfortunately, most of such equipment in Utah is of this type and our commission is at the present time making a survey to determine just what the ratio is between the permissible and non-permissible type of electrical equipment. At the time that this survey is being made, word is being passed to the operators to install no further electrical equipment which is capable of igniting gas or dust by an electric arc.

When this survey is completed it will be necessary for us to take such action regarding the elimination of these new hazards as seem adequate and reasonable.

After five years' experience we are in a position to state definitely that in every instance where our safety standards have been complied with, the propagation of an explosion has been arrested and has died out within the area anticipated by the management due to the intelligent application of rock dust and the strategic and proper installation of adequate rock dust barriers, when supported by efficient sprinkling.

On the other hand, where rock dusting has not been done in accordance with our safety standards and rock dust barriers have been improperly installed and sprinkling neglected, and an explosion has taken place due either to the ignition of gas or coal dust from blown out shots, such explosions have not been localized and have in all instances propagated throughout all workings of the mine.

It should be kept in mind, however, that it is not necessary for a mine to be wrecked and every part visited by the propagation of an explosion in order to produce a catastrophe. A catastrophe of major proportions may result from an explosion in any working panel of a mine even though the propagation of said explosion be confined to the workings of that panel.

We are convinced that wherever the above safeguards supplement rock dusting in accordance with our standards and the placing of rock dust barriers at all strategic points, the catastrophe hazard may be completely overcome.

Of course, rock dusting should be supported by:

1. Permissible electric safety lamps.
2. The use of permissible powder in permissible quantities.
3. Refraining from shooting on the solid.
4. Efficient air coursing.
5. Use of water on the bar of cutting machines for the purpose of killing bug dust as it is made.
6. The sealing off of idle areas.
7. Adequate sprinkling at the face.
8. The use of tight cars and refraining from over-topping same to minimize spillage in the haulage ways.
9. Wetting down of coal when loading and sprinkling the car after it is loaded.
10. Shooting only when the shift is out of the mine.
11. Installation and use only of permissible electrical equipment.
12. Vigilance on the part of those directly in charge of underground operations in discovering and coping with new hazards as they arise.

Mining, Too, Is Hell!

"A GREAT deal of the miseries of war are not absolute and unique. Most of the war writers came from good homes, careers; most of the rest of us did not. I remember an unconscious rebuke given by a wretched little rat of a tunneler, covered with mud, who was the last man in and the only man out of a shaft which had collapsed, to a young staff officer with a heart and a title who gave him some horrow-stricken sympathy: 'Why, sir, you see, I'm a miner anyway in peace time.'"
—*William Bolitho.*

New Developments in Labor Injunctions

By Edwin E. Witte

Chief, Wisconsin Legislative Reference Library

(Editor's Note: Two years ago one half-day of the annual meeting of the American Association for Labor Legislation was given over to a discussion of the social effects of injunctions in labor disputes. In the September, 1928, issue of this Review a symposium on labor injunctions was published, expressing various viewpoints. Now we publish an article by Dr. Witte, who for more than fifteen years has studied injunctions in labor disputes, giving the significance of important developments in this field during 1928 and 1929.)

EARLY in 1928 a greater interest was manifested in the "injunction question" than in many years previously.

At that time the strike of the coal miners throughout the central competitive field was in progress, in connection with which were issued the most extreme injunctions in the history of this country. At this time also, there were extensive hearings in both houses of Congress on two anti-injunction bills sponsored by the American Federation of Labor, known as the Shipstead and La-Guardia bills.

The Congressional hearings led to the introduction of a new bill by a subcommittee of the Senate Committee on the Judiciary before the adjournment of Congress in June, 1928, which approached the injunction problem from a new point of view, that of definitely specifying the procedure to be followed in labor cases. This was followed by the inclusion of planks in both the Republican and Democratic national platforms of 1928 pledging relief from the abuse of injunctions.

After the platform conventions, interest in labor injunctions rapidly waned, and this issue failed to figure to any extent in the 1928 presidential election. Injunctions ceased to be noticed in newspapers, primarily because comparatively few were issued—doubtless because there were fewer strikes in 1928 than in any year of record. Nor did organized labor warm up to the substitute to the Shipstead bill, seeming for the time to have abandoned hope of anti-injunction legislation.

This lack of interest in labor injunctions has continued throughout 1929, although some attempts have been made to keep this question to the fore. While numerous anti-injunction bills have

been introduced in the legislative sessions of this year, practically all of these bills have failed of passage.

Wisconsin Adopts First Yellow Dog Contract Act

A noteworthy exception is the Wisconsin Anti-Yellow Dog Contract Act, which in effect provides that contracts binding workmen not to join labor unions, or obligating farmers not to belong to cooperative associations, shall be unenforcible. Such a law was first sought in Ohio in 1925 under the leadership of John P. Frey, who had requested the American Association for Labor Legislation to arrange conferences of legal advisors and prepare the draft of a bill. This attack upon the "yellow dog" abuse has become one of the principal legislative demands of the labor organizations everywhere. The Wisconsin act, however, is the first law of this kind anywhere, and differs from the bills sponsored by organized labor elsewhere in that it joins the interests of the farmers with those of the workingmen through prohibiting interference with membership in cooperative associations as well as with membership in labor unions.

This Wisconsin law still has to stand test in the courts. In a recent case the New York Court of Appeals—the highest court in the state—refused to enforce the terms of the "yellow dog" contract in the Interborough case.[1] The Attorney General of Ohio in 1927, in an opinion given the legislature of that state, held the yellow dog contract bill to be constitutional. This, however, is by no means certain, as the Adair and Coppage decisions of the United States Supreme Court have established irrevocably that no law is valid which penalizes employers for discriminating against workmen because of their union membership. The constitutionality of anti-yellow dog contract legislation thus resolves itself into the question whether there is sufficient difference between a law which makes it criminal for employers to enter into individual non-union contracts (such as was involved in the Adair and Coppage cases) and a law which merely declares such contracts to be unenforcible.

Railway Clerks' Injunction

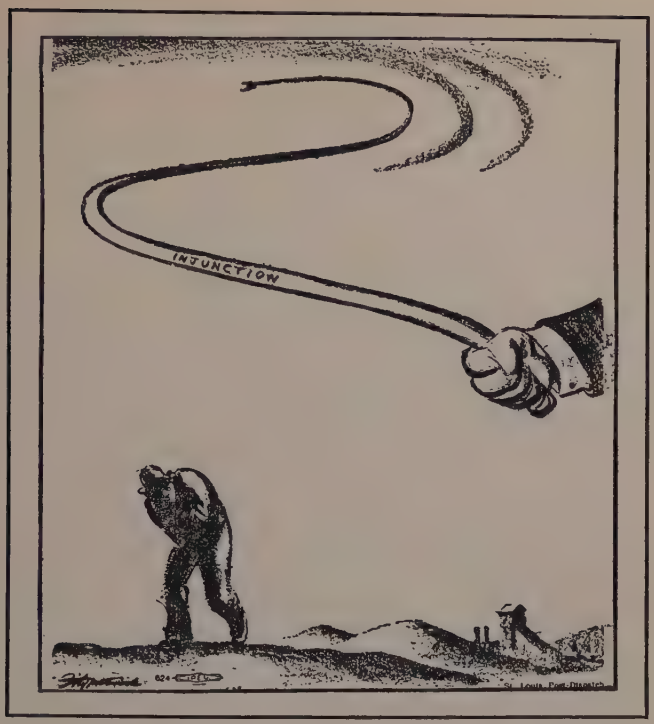
Another significant attack by labor upon yellow dog contracts is the suit begun in 1927 in the federal courts in Texas by the

[1] Interborough Rapid Transit Co. v. Lavin, 247 N. Y. 65.

Brotherhood of Railway and Steamship Clerks against the Texas & New Orleans Railway, a part of the Southern Pacific System. This was an action for an injunction to restrain the railroad company from attempting to dictate to its employees who should represent them on the labor adjustment board for this road organized under the Parker-Watson Act of 1926. The evidence in this case established that the railroad company organized the company union, and then tried to compel its employees to select as their representatives on the labor adjustment board the officers of the company union. This course of conduct was claimed by the union to be a violation of that section of the Parker-Watson Act which guarantees to railroad employees the right to be represented in dealings with the railroad companies by men of their own choice. The injunction sought by the union was granted by Judge C. J. Hutcherson in August, 1927, but the railroad company was alleged to have continued its efforts to promote the company union at the expense of the Brotherhood; whereupon the union instituted contempt proceedings, which culminated in a decision finding the company and its officers guilty of contempt of court and directing the dissolution of the company union. Shortly after, Judge Hutcherson made permanent the original injunction, with but minor modifications. From these decisions, an appeal was taken by the railroad company to the circuit court of appeals, which, in June, 1928, in a 2 to 1 decision, upheld the trial court upon all points.

This case represents an attack upon yellow dog contracts and the company union motivated by an entirely new idea, that these devices interfere with the right of workmen to organize and bargain collectively. This is an approach which, if it will do nothing else, should **direct public attention to the fact that yellow dog contracts and company unions dominated by the employer are inconsistent with all American concepts of individual freedom; and while sometimes cloaked under the term of the "American plan," represent a revolutionary encroachment upon the rights of workmen.**

This case is significant also as another of the increasing number of injunctions procured by labor against employers. In the last few years, there has been a very great increase in the number of such actions. Heretofore, injunctions by labor have been brought principally by the radical, left-wing organizations, while the American Federation of Labor has taken the position that labor has



—Labor Age

The Labor Injunction
As Viewed by a Labor Editor

nothing to gain by such actions. The Brotherhood of Railway and Steamship Clerks, however, is a union in good standing, and is represented in this case by Donald Richberg, who above all other attorneys has the confidence of the conservative labor unions. This does not represent any lessening of opposition to injunctions by labor, but does represent an appreciation that the injunction game can be played by both sides.

The Adler Injunction

Another important case pending in the courts which suggests a more liberal attitude toward labor is the Adler Case, in the courts of Wisconsin. This grew out of a strike in Milwaukee in the spring of 1928, which, as the trial court found, started when the

employing company locked out its employees in violation of an unexpired trade agreement. Under the Wisconsin law, no injunction may be issued in a labor case until after 48 hours' notice, and no injunction was actually issued in this case until after a full hearing. Then Judge Gehrz issued an injunction which prohibited mass picketing and acts of violence and intimidation, but at the same time enjoined the company from soliciting its former employees to sign individual non-union contracts, as it had sought to do after the strike had started. Thereafter, numerous acts of violence occurred, which led Judge Gehrz late in 1928 to modify the original injunction so as to forbid more than one picket at each factory entrance. At the same time, however, he found the company guilty of having breached its trade agreement and ordered an accounting to be made of the damages due the striking employees. From this decision both sides appealed to the Wisconsin Supreme Court, which after hearing arguments and deliberating upon the case for several months, has now, on its own motion, asked for briefs upon the question whether the company was entitled to any injunction in view of the finding by the trial court that the difficulty had been provoked by its breach of a trade agreement. This is not literally the first time that the doctrine that "he who seeks equity must do equity" has been invoked in a labor case, but is very nearly the first. The "clean hands" doctrine is one which plays a large role in the general law of equity, but in the past, it has but seldom figured in labor cases.

The New Orleans Street Railway Injunction

Illustrating a very different tendency, is the injunction issued in connection with the street railway strike at New Orleans by Federal Judge Borah in July of this year. This was procured by bondholders of the New Orleans Public Service Company and is notable not only for its broad terms (it prohibits all picketing and all attempts to interfere with the company's operation of its street-car service), but for the inclusion in this order of a direction to the marshal to swear in 250 deputy marshals to enforce the injunction and to guard the property of the company. These deputy marshals are still employed, despite a strong protest to the Attorney General of the United States by President Green of the American Federation of Labor.

This, again, is not the first time that such a course has been taken. On the contrary there were many such orders in the American Railway Union Strike in 1894. Since then, such orders have been issued in isolated cases from time to time, but this has not been a general practice. When in 1914 a federal judge in Arkansas, in connection with the strike out of which arose the famous Coronado Coal and Coke Company case, issued an order directing the marshal to guard the complainant's property, John W Davis, then acting Attorney General of the United States, took the position that the marshal's office is a part of the administrative machinery of the government, not of the judicial machinery, and that it is not the function of courts to afford police protection to the property of employers. This opinion has been generally accepted as representing sound law and practice, and has the support of the one case in which this question has been squarely passed upon by a court.[1]

The fundamental issue is the value of injunctions in preventing or checking violence in labor disputes. In the Coronado Coal and Coke Company case, the owner of the coal mines which were destroyed after the withdrawal of the deputy marshals wrote a resentful letter to the Attorney General protesting that if it was not the duty of the United States courts to protect the property of complainants, then the injunction was not worth "the paper on which it was written." This is an extreme view, but unless the issuance of injunctions means additional police protection, it is apparent that the only way in which they check violence is through the fear of contempt proceedings. This certainly has not been a sufficiently strong deterrent to violence in a great many cases.

The alternative is the course which Judge Borah has taken in the New Orleans street-car strike. **The courts must assume not only their judicial functions of deciding disputes and interpreting the law, but also the executive functions of affording police protection and directing police officers. Although this, of course, means an extension of the functions of the courts in labor cases beyond anything hitherto known in this country, it is the logical and inevitable development unless a substitute for the injunction is found.**

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[1] Consolidated Coal & Coke Co. v. Beale, 282 Fed. 934, 1922.

A New Anti-Injunction Bill

The injunction question is far from settled. While for the time being there is little general interest in this question, organized labor feels as keenly upon it as ever. Very recently, there has come the announcement that the American Federation of Labor will soon have introduced in Congress a new anti-injunction bill modelled upon the bill presented by the subcommittee of the Committee on the Judiciary before the close of the last Congress, but with changes to strengthen its provisions. The original Shipstead bill has already been reintroduced, also with some modifications. The report that labor is prepared to throw over this bill and to follow the course of prescribing the exact procedure which the federal courts must follow in labor injunction cases, is most hopeful. The Shipstead bill probably cannot be passed, and if passed, would by reason of its generality be meaningless. A specific, detailed bill would at least compel the courts either to observe its provisions or to hold them unconstitutional; it is along this line that effective anti-injunction legislation must be worked out.

Public Opinion Opposes Injunction Abuses

That public opinion seems gradually to be crystallizing in support of the restriction of injunctions in labor disputes is evidenced by the fact that nearly all recent press comments upon the injunction question have been favorable to labor's position. As an illustration, the conservative *Chicago Tribune* on several occasions within the past year has editorially endorsed legislation to curb the power of courts in the issuance of injunctions. This attitude is probably not due so much to a change in public opinion toward labor unions (although there are some evidences of such a change) as to the abuse of injunctions in cases arising outside of labor disputes. In several cases the press itself has been made to feel the heavy hand of the injunction judge. Not long ago two editors of the *Cleveland Press,* a large Scripps-Howard daily, have been fined and sentenced to jail for an editorial criticizing an injunction issued by a Cleveland judge restraining the sheriff of the county from interfering with a horse race meeting. It's an ill wind that blows nobody good: the drastic use of injunctions in other than labor cases is undoubtedly operating to strengthen labor's case against the abuse of the injunction.

"Yellow Dog" Abolished in Wisconsin

By Cornelius Cochrane

"YELLOW DOG" contracts, long denounced by organized labor throughout the country, are now invalid in Wisconsin. The bill declaring these contracts to be null and void passed the legislature, and became law when signed by Governor Kohler on May 24. This is the first law of its kind.

Anti-union employers in combatting labor organizations have for years utilized this form of agreement whereby employees are compelled to promise as a condition of employment that they will not join a trade union. The attitude of organized labor toward this practice, which it declares to be an invasion of its constitutional rights, has been discussed before in this Review.[1]

The Ohio Federation of Labor under the leadership of John P. Frey introduced in the 1925 Ohio legislature a bill to void the "yellow dog" contract.[2] This draft was formulated after numerous conferences with able legal advisors, called together upon Mr. Frey's request by the American Association for Labor Legislation. This proposal has been introduced in other state legislatures —notably in California and Illinois where it was defeated by a close vote as in Ohio—and furnished the basis for the legislation successfully championed by the Wisconsin State Federation of Labor.[3]

In Wisconsin an unusual condition existed in connection with the selling of dairy products where farmers had been suffering from an equivalent of the "yellow dog" contract. At the hearing before the Senate committee a typical case was cited in which a milk plant sought to sign farmers to a contract by which they agreed not to belong to a cooperative association. Labor's representatives were quick to utilize the strategic significance of this situation and incorporated in the measure a feature to protect the farmers as well as organized labor. This added provision was responsi-

[1] See "Why Organized Labor Is Fighting 'Yellow Dog' Contracts," by Cornelius Cochrane. *American Labor Legislation Review,* Vol. XV, No. 3, September, 1925, pp. 227-232.

[2] See "Attacking the 'Yellow Dog' in Labor Contracts," by Cornelius Cochrane, *American Labor Legislation Review,* Vol. XV, No. 2, June, 1925, pp. 151-154.

[3] See page 309.

ble for several votes in the Senate which would not otherwise have been won. The law prohibits employers of labor from interfering with the right of employees to join labor unions and also prohibits other influences from interfering with the right of farmers to join cooperative marketing associations.[4]

It is expected that anti-union interests in Wisconsin will be quick to challenge the constitutionality of the new act, but this new statute involves a somewhat different question from that considered in the past. Although courts have hitherto generally upheld the legality of the "yellow dog" contract, the New York Court of Appeals—the highest court in the state—recently refused to enforce the terms of such an agreement in the case of Interborough v. Lavin. In the closely related case of Interborough v. Green, New York Supreme Court Justice Wasservogel likewise denied an injunction and declared that "whatever the status of the contract at law, the provisions above referred to are, to say the least, inequitable."[5]

The path leading to final court approval of this legislation is of course an uncertain one. But unless we are permanently to overthrow the American principle that organization into voluntary societies is to be encouraged rather than strangled, the "yellow dog" contract must be declared illegal. Those who have followed the history of labor's endeavor to secure legislation prohibiting the use of the "yellow dog" contract will watch with close attention the course of this pioneer Wisconsin statute in its journey to the Supreme Court.

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[4] The full text of the law is as follows: "Every undertaking or promise hereafter made, whether written or oral, expressed or implied, constituting or contained in either (1) a contract or agreement of hiring or employment between any employer and any employe or prospective employe, whereby (a) either party to such a contract or agreement undertakes or promises not to join, become or remain, a member of any labor organization or of any organization of employers, or (b) either party to such contract or agreement undertakes or promises that he will withdraw from the employment relation in the event that he joins, becomes or remains, a member of any labor organization or of any organization of employers or (2) in a contract or agreement for the sale of agricultural, horticultural or dairy products between a producer of such products and a distributor or purchaser thereof, whereby either party to such contract or agreement undertakes or promises not to join, become or remain a member of any cooperative association organized under chapter 185 or of any trade association of the producers, distributors or purchasers of such products, is hereby declared to be contrary to public policy and wholly void and shall not afford any basis for the granting of legal or equitable relief by any court."

[5] See "Branding 'Yellow Dog' Contracts," by Cornelius Cochrane. *American Labor Legislation Review,* Vol. XVIII, No. 1, March, 1928, pp. 115-116.

Mid-Year Meeting Successful at San Francisco

AT the end of June and during the first three days of July the American Association for Labor Legislation held a Mid-year Meeting at San Francisco. This REVIEW contains a number of the important papers there presented, including those on Old Age Pensions, on Maritime Safety for Longshoremen, and on Prevention of Coal Dust Explosions. Additional articles on Prevention of Silicosis, on Occupational Disease Compensation, on Employment Bureaus and on Collection of Unpaid Wages, will be published in our December issue.

But these articles, good as they are, cannot give the reader a proper impression of the success of the meeting, which offered Western members of the Association an unusual opportunity to meet and discuss the organization's legislative program. The attendance was the greater because of several joint sessions with related divisions of the National Conference of Social Work.

Even the Los Angeles members admitted that the San Francisco weather for this occasion was perfect, although unusual. The discussions and good-fellowship will long be remembered by those who attended this mid-year conference at the Golden Gate. All who can should now plan to attend the Annual Meeting at New Orleans, December 27-28, where Southern members will have their special opportunity to extend greetings and make known the problems of the Southland.

Roll of Honor of Coal Companies Using Rock Dust to Prevent Coal Dust Explosions

THE full list of coal companies that have equipped one or more of their mines with the rock dust safeguard, or have begun to install it, appears in this REVIEW, for December, 1928, pp. 424-427. Additions were made to the list, as of February 1, 1929, in the March, 1929, issue, p. 117; as of April 1, 1929, in the June, 1929, issue, p. 174. As of August 1, the following are added:

ALABAMA—Baker Tow Boat Co.; Cone Creek Coal Co.; Moffat Coal Co.; Straven Coal Mining Co.

PENNSYLVANIA—Butler Consolidated Coal Co.

WYOMING—Rock Springs Fuel Co.

International Labor Legislation

By September, 1929, 362 **ratifications** of International Labor Conventions, covering 27 different conventions and 32 countries, had been registered with the League of Nations. In four more countries ratifications have been recommended to competent national authority for approval.

On September 19-21, at Zurich, Switzerland, the **International Association for Social Progress,** of which the American Association for Labor Legislation is the American section, held its annual international convention. A report of the proceedings will be published in the December issue of this Review.

The Norwegian government has approved a bill proposing to bring **employment legislation** into complete agreement with the International Convention on Employment Agencies, which has been ratified by Norway. No further licenses will be issued to carry on fee-charging employment agencies for seamen, and existing licenses will be gradually withdrawn.

The Ontario legislature at its last session passed an act providing for periodical medical inspection of workmen exposed to silica dust, in order to prevent **silicosis.** This occupational disease is covered by the provincial workmen's compensation act.

The Chamber of Mines of Transvaal, South Africa, has given new recognition to the importance of **silicosis** as an occupational disease. The Chamber, says the *American Journal of Public Health,* has donated 2,000 pounds to pay the expenses of an international conference of experts on silicosis, at Johannesburg in 1930, where Great Britain, the United States, Canada, Germany, Australia, and South Africa will be represented. The conference will discuss silicosis with special reference to prevention in mines.

On July 1 the **Japanese factory law** went into effect. The minimum age for special protection to child workers is raised from 15 to 16 years and prohibition of night work for women and children between 10

P. M. and 5 A. M. is extended to factories operating two shifts a day. Enforcement, it is thought, will not be followed by increases in overhead operating cost because factories have had a three-year period in which to make elaborate preparations for the new regulations and will be in a position to comply with them without serious difficulty, stated a report received at the Department of Commerce from the trade commissioner at Tokyo. The textile industry, in which, by 1928, 82 per cent of female factory operatives were employed, will be the only industry seriously affected.

THE British Trade Union Council has written the International Federation of Trade Unions that inasmuch as propaganda for ratification of the Washington **Eight-Hours Convention** helped to bring the Labor Party into power, "one of the first acts of the new Labor Cabinet was to send a message to the International Labor Conference at Geneva, stating that they propose to take the necessary steps to ensure at the earliest possible moment the ratification of the Washington Convention."

One of the countries affected by this change of policy is Canada. Since 1919 the Canadian Trades and Labor Congress have kept up a constant campaign for ratification of the convention, and the declaration of the British Labor Government of their intention to ratify, they write, "has been taken full advantage of by us to secure further publicity of our aims."

A PUBLICATION of the British Labor Party gives **labor's policy on unemployment:** commencement of public works; nationalization and reorganization of the mining industry and its by-products; raising the school leaving age to fifteen and making provision for money allowances in place of small earnings; giving better old age pensions at 65; raising unemployment benefit rates and improving regulations so that no one would have to resort to the Poor Law; taxation of land values so that the use of land lying idle would be encouraged.

THE World Peace Foundation has published a sixteen-page pamphlet on the nature and achievements of the official **International Labor Organization,** "the first medium through which capital and labor, as well as governments, have ever been able to discuss and guide international action affecting the conditions under which the work of the world is done." (?) In this pamphlet several illustrations from the American Association for Labor Legislation's book *Labor Problems and Labor Legislation* were used, and readers were referred to the Association for answers to all questions regarding American legislation and conditions.

Book Reviews and Notes

The Sinister History of Ambrose Hinkle. By THOMAS MCMORROW. *New York, J. H. Sears and Company, 1929. 311 pp.*—An engrossing tale of the ingenious exploits of a shyster lawyer. The author, himself a New York lawyer who has held prominent position in Tammany, knows his criminals. The hero-villain of this tale, who prospered by saving criminals from justice, finds this the attitude of a client: "Listen, couns'lor, if I want to find out what the law is I can ask a cop. When a guy asks a lawyer it is to find out what he is going to do about the law." Evenings, "Little Amby" played poker in a Broadway hotel. "It took his mind completely off his work, resting it by a change of activity. He played a square game of cards; he apologized for doing so, saying, 'I've come to a point where I don't have to steal ten-dollar bills any more.'"

The American Whaleman: A Study of Life and Labor in the Whaling Industry. By ELMO PAUL HOHMAN. *New York, Longmans, Green and Co., 1928. 355 pp.*—A professor of economics describes the labor conditions in the whaling industry of the eighteenth and nineteenth centuries. "What manner of men occupied the forecastles and cabins, and how did they live while at sea? Where did they hail from, and what were the tricks of their trade? What of hours, wages, and working conditions? And what of dangers and discipline? The present work seeks primarily to answer these questions . . ." It is an account of a life which for the most part "was as hard and as cheerless as that of any group of free workers in the history of the United States."

Psychology and Industrial Efficiency. By HAROLD E. BURTT. *New York, D. Appleton and Company, 1929. 395 pp.*—Dr. Burtt, professor of psychology at Ohio State University, applies psychology to the problems of labor efficiency. He writes primarily for the personnel manager and the student of personnel administration, but does not neglect the implications of efficiency programs for the employee. Included among the problems treated are methods of work, fatigue, monotony, the working environment, morale, and accidents. A description of each problem as revealed by experimental research, is followed by a presentation of the methods by which psychological principles may be utilized in order to increase the efficiency, and at the same time improve the well-being of the worker on the job.

History of Manufactures in the United States. Vol. I. 1607-1860. By VICTOR S. CLARK. *New York, McGraw-Hill Book Company, 1929. 607 pp.*—This first of three volumes was first published by the Carnegie Institution of Washington in 1916 but has long been out of print. With the two volumes to follow it will present an economic history in broad outlines of American manufacturing from its feeble beginnings three centuries ago, through the establishment of the factory system, and recent rapid expansion.